



Our Reference: F2013/00511

Director Industry and Infrastructure Policy
NSW Department of Planning and Environment
GPO Box 39
Sydney NSW 2001
7 April 2017

Dear Sir/Madam,

Re: SEPP Infrastructure Amendment Review 2016

Thank you for the opportunity to comment on the SEPP Infrastructure Amendment Review 2016.

Randwick City Council's submission is enclosed for your consideration.

If you have any questions, please do not hesitate to contact Stella Agagiotis, Coordinator Strategic Planning on telephone 9093 6954.

Yours Sincerely,


pv Alan Bright
Manager - Strategic Planning

<p>English</p> <p>If you need help to understand this letter, please come to Council's Customer Service Centre and ask for assistance in your language or you can contact the Telephone Interpreter Service (TIS) on 131 450 and ask them to contact Council on 9399 0999.</p>	<p>Greek</p> <p>Αν χρειάζεστε βοήθεια για να καταλάβετε αυτή την επιστολή, μπορείτε να έχετε στο Κέντρο Εξυπηρέτησης Πελάτη της Δημοτικής (Council Customer Service Centre) να μιλήσετε με κάποιον που μιλάει στην Τηλεφωνική Υπηρεσία Αποκωδικοποίησης (Telephone Interpreter Service - TIS) επίλ. 131 450 και να ζητήσετε να επικοινωνήσουν με το Δημοτικό τηλ. 9399 0999.</p>	<p>Italian</p> <p>Se avete bisogno di aiuto per capire il contenuto di questa lettera, recatevi presso il Customer Service Centre del Municipio dove potete chiedere di essere assistiti nella vostra lingua; oppure telefonate in contatto con il Servizio Telefonico Interpreti (TIS) al 131 450 e chiedere loro di mettervi in contatto col Municipio al 9399 0999.</p>
<p>Croatian</p> <p>Ako vam je potrebna pomoć na bilo kojim jezicima, molimo doći u Općinski službeni centar za klijente (Council's Customer Service Centre) i zatražiti pomoć na svom jeziku. ili možete nazvati Telefonsku službu tumača (TIS) na 131 450 i zatražiti njih da nazovu Općinu na 9399 0999.</p>	<p>Spanish</p> <p>A la persona que necesite ayuda para entender esta carta se le ruega venir al Centro de Servicios para Clientes [Customer Service Centre] de la Municipalidad y pedir asistencia en su propio idioma, o bien, ponerse en contacto con el Servicio Telefónico de Intérpretes ["TIS"], número 131 450, para pedir que le comuniquen con la Municipalidad, cuyo teléfono es 9399 0999.</p>	<p>Vietnamese</p> <p>Hầu hết vi không hiểu về thư này và cần sự giúp đỡ, mời quý vi đến Trung Tâm Dịch Vụ Hướng Dẫn Khách Hàng của Hội Đồng Thành Phố (Council's Customer Service Centre) để có người nói ngôn ngữ của quý vi giúp hay quý vi có thể liên lạc Dịch Vụ Thông Dịch qua Điện Thoại (TIS) ở số 131 450 và yêu cầu họ liên lạc với Hội Đồng Thành Phố (Council) ở số 9399 0999.</p>
<p>Polish</p> <p>Jeśli potrzebujesz pomocy w zrozumieniu treści tego pisma, przyjdź do punktu obsługi klientów (Customer Service Centre) przy Radzie Miejskiej i poproś o pomoc w języku polskim, albo zadzwoń do Telefonicznego Biura Tłumaczy (Telephone Interpreter Service - TIS) pod numer 131 450 i poproś o skontaktowanie się z Radą Miejską (Council) pod numerem 9399 0999.</p>	<p>Indonesian</p> <p>Jika Anda membutuhkan bantuan untuk memahami surat ini, silakan datang ke Pusat Pelayanan Pelanggan (Customer Service Centre) Pemerintah Kotamadya (Council) dan mintalah untuk bantuan dalam bahasa Anda, atau Anda dapat menghubungi Jasa Layanan Bahasa Telepon (Telephone Interpreter Service - TIS) pada nomor 131 450 dan meminta supaya mereka menghubungi Pemerintah Kotamadya pada nomor 9399 0999</p>	<p>Turkish</p> <p>Bo ihtiyacınız olduğukt, lütfen yardım istiyacağınız varsa, lütfen Belediyemiz Müşteri Hizmetleri Merkezi'ne gelip yardım istediğiniz yardım isteyiniz veya 131 450 den Telefonla Yabancı Servisi'ni (TIS) arayarak ulaştırdın 9399 0999 numaradan Belediyeye de ilgililiye belediyemizi isteyiniz.</p>
<p>Hungarian</p> <p>Amennyiben a levelet tartalmát nem érte meg segítségre van szüksége, kérjük látogasson meg a Tájékoztatási Ügyfélszolgálatunk (Customer Service Centre), ahol magyarul nyelven kaphat felvilágosítást, vagy hívja a Telefon Tájékoztató Szolgálatot (TIS) a 131 450 telefonszámon és kérje, hogy kapcsolják a Tájékoztatási a 9399 0999 telefonszámmal.</p>	<p>Czech</p> <p>Jestliže potřebujete pomoc při porozumění obsahu dopisu, navštivte prosím naše Středisko služeb pro veřejnost (Council's Customer Service Centre) a požádejte o poskytnutí pomoci ve vaší řeči, anebo zavolejte Telefonní Tumočnickou službu (TIS) na tel. číslo 131 450 a požádejte je, aby oni zavolali Místní úřad Radnický na tel. číslo 9399 0999</p>	<p>Arabic</p> <p>إذا أردت المساعدة لفهم هذه الرسالة، نرجوكم، المشور إلى مركز خدمة عملاء المجلس وأطلب المساعدة في لغتك، أو يمكنك الاتصال بخدمة الترجمة الهاتفية (TIS) على هاتف رقم ١٣١ ٤٥٠ وأطلب منهم الاتصال بالمجلس على رقم ٩٣٩٩ ٠٩٩٩</p>
<p>Chinese</p> <p>如果你需要人幫助你了解這封信的內容，請來市政會顧客服務中心要求翻譯服務，或者與電話傳譯服務 (TIS) 聯係，號碼是 131 450，請他們幫助你打電話給市政會，號碼是 9399 0999。</p>	<p>Russian</p> <p>Если Вам требуется помощь, чтобы разобраться в этом письме, то, пожалуйста, обратитесь в Муниципальный Центр Обслуживания Клиентов и попросите сказать Вам помощь на Вашем языке или же Вы можете позвонить в Телефонную Службу Переводчиков (TIS) по номеру 131 450 и попросить их связаться с Муниципалитетом по номеру 9399 0999</p>	<p>Serbian</p> <p>Ako vam treba pomoć da razumete ovo pismo, molimo vas da dođete u Centar za usluge klijenata pri Općini (Customer Service Centre) i zatražite ih da vam pomognu na vašem jeziku, ili možete nazvati Telefonsku prevodničku službu (TIS) na 131 450 i zatražiti ih da vas povežu sa Općinom na 9399 0999.</p>

Randwick City Council Submission:

SEPP Infrastructure Amendment
(Review)
April 2017

Council is pleased to provide comments in relation to the 2016 review of State Environmental Planning Policy (Infrastructure). The primary amendments relate to simplifying and expanding approval pathways and new provisions for council operational land, health services facilities, police stations, commuter hubs, lead-in sewerage and water infrastructure and educational establishments.

In relation to educational facilities, Council has made a separate submission on the proposed changes to the new stand alone Education SEPP. The transfer of provisions for educational establishments from the Infrastructure SEPP to the new Education SEPP is supported as this will provide a clearer planning regime for such development.

Council's submission addresses proposed provisions dealing with council operational land, health services facilities, commuter hubs and proposed operational amendments.

Health Services Facilities

Overall the proposed changes to the ISEPP substantially expand the locations and loosens the approval regime under which health services facilities may be developed. Council has concerns that the draft ISEPP will result in developments with significant impacts that have not undergone an appropriate level of assessment.

Prescribed zones (amended Cl.56):

The key changes are that low density residential (R2) and neighbourhood centre (B1) zones will now allow health services facilities as permitted development – either with consent with criteria as nominated in clause 57, or without consent or as complying development with criteria as nominated in clause 58.

Health services facilities are currently permitted in the B1 zone in RLEP 2012, therefore this will not impact Randwick City Council. However the draft ISEPP introduces a significant change in the R2 zone, and Council has concerns that the potential scale and impact of health services facilities in the R2 zone will not be consistent with the RLEP zone objectives of providing for housing needs and day to day needs of residents and principle development standards.

Council in particular objects to a blanket 12m height limit applying to complying development and development without consent. Under Randwick LEP2012 the maximum height in the R2 zone, and some R3 and B1 zones is 9.5m. The draft changes provide insufficient protection via the new clauses 57 and 58 to ensure the impacts can be appropriately assessed and suitable outcomes are achieved. This is discussed further below.

Development permitted with consent (amended clause 57.2):

The proposed new sub clause 57(2) allows development within an *existing health services facility* on State land compared to the current clause which specifies only *Special Purpose zones*. The range of uses permitted with consent has been broadened, although Council has no objection in principle as these uses are within the boundary of an existing health services facility and are not inconsistent with uses permissible in RLEP 2012.

Development Permitted without consent (amended clause 58[1])

A new clause 58 is added allowing development without consent by or on behalf of a public authority *on any land* in an *existing health services facility* (instead of within a prescribed zone as currently defined). Council has no issue in principle with this change.

However, Council has significant concerns with the expanded range of uses that can be carried out, and the removal of the existing Cl.58 (2) which limits the scale or intensity of the development to an additional 10% of staff or patient numbers. The new or amended uses that can be undertaken without consent include:

- Alterations or additions to health services facilities (without limitation)
- Restoring or replacing accommodation or administration facilities (without limitation)
- Helipad (up to 12m high and 5m from a boundary)
- Car parks (up to 12m high and 5m from a boundary)
- Any buildings that are not more than 12m high & 5m from boundary

Council objects to the lack of appropriate limiting criteria under this clause, and has concerns about the substantial intensification of use that would be possible on an existing health services facility without a transparent and merit based assessment process. In particular, Council strongly objects to the parts of the new Clause 57 which allow development of car parks without consent, without requirement for a traffic impact assessment, without limits on numbers, and with the only condition that the structure is not more than 12m high. This could allow a 5 storey car park structure with several hundred spaces – posing a substantial impact on the surrounding area and road network, and should be subject to a formal consent process. Council considers that any car parks that provide additional parking spaces should be subject to a full merit based assessment and development consent process and consideration by the relevant traffic authority (either local traffic committee or the RMS).

A new subclause 58 (3) allows clearing of vegetation (including any necessary cutting, lopping, ringbarking or removal of trees) and associated rectification and landscaping to be carried out by or on behalf of a public authority without consent on any land if the development is preliminary to, and for the purpose of facilitating, other development that is for the purpose of a health services facility. Council objects to this clause, as it contradicts the provisions in RLEP2012 and the Randwick DCP2013 regarding approvals for tree removal. As written it allows

clearing of vegetation on land that may be subject to a future development application, that is not certain to be approved, and is likely to be carried out with a substantial time lag. Council considers that clause should be amended to ensure vegetation is not cleared without consent being in place for the related development.

Notification requirements Cl. 58A (new)

This clause requires the proponent to notify council and occupiers of adjoining land of any development carried out under Cl 58 (1) (a) alterations and additions, (d) helipads, or (f) buildings, and allow 21 days to respond.

As noted above, Council does not support the increased scale or scope of development proposed to fall under Cl.58(1), and does not consider that the new sub clause 58.A provides for sufficient input from impacted property owners, occupiers or councils. Council strongly objects to the absence of any requirement to notify councils, owners or occupants regarding development for car parks, and considers this a major omission.

Complying development (new Cl. 58 C)

This new clause allows a wide range of uses as complying development in an existing health services facility, including (a) a health services facility, (b) a building for training or education of health and other professionals, (c) commercial premises, (d) any premises to service patients, staff, or visitors that are an administration building, a car park or a child care facility.

This clause would apply to any existing health services facility, whether privately or publicly operated, and Council has concerns that as written, substantial changes of use could be carried out as complying development. For example, the clause could permit an existing health consulting room facility in a low density residential area to be expanded and developed for commercial uses, only relying on the proponent's assertion that the uses are to serve patients, staff and visitors to a health services facility.

Concern is also raised about the inclusion of child care facilities in this clause and Cl.58(1) – and the lack of reference to and coordination with relevant planning instruments, guidelines and design criteria covering these facilities. Council requests attention is paid to the concurrent draft child care SEPP to ensure that complying development and development without consent processes under the draft ISEPP are aligned with the new child care SEPP, and do not allow child care development within a health services facility to bypass this regime. Currently the two draft instruments appear contradictory in regard to complying development provisions.

The only limiting criteria applying to this clause is that the building or structure must be a maximum of 12m high, and no closer than 5m from a boundary. This is considered insufficient, and may give rise to substantial developments that impact the local transport network, cause negative noise and visual impacts and achieve poor design outcomes without an appropriate planning assessment or consideration of the suitability of the

site and context. As noted previously the maximum height of 12m is inconsistent with the principle development standards in several zones in RLEP2012, and Council requests that stronger and more restrictive criteria are applied for both this clause and Clause 58(1), to ensure that only those developments with minimal environmental impact are permitted without consent or as complying development.

Council operational land (new Division 10A)

The proposed introduction of a new division for Operational Land is supported. The proposed exempt provisions that would apply to council facilities such as works depots, community centres, administration centres, libraries and nurseries would streamline and improve the delivery of local infrastructure improvements. Council is supportive of the amendments that will enable the carrying out of minor works to operational land including walking tracks, bicycle-related storage facilities, barriers, ticketing machines, viewing platforms, some sporting facilities, play equipment, picnic tables and shelters as exempt development. It is also suggested that water recycling and on-site treatment as currently the case in Council's works depot be permitted as exempt development subject to compliance with EPA requirements.

It is agreed that development without consent should cover routine works on land containing community facilities or works covered by a Plan of Management as specified in clause 65(3) such as roads, cycle ways, single storey car parks, recreation areas and recreation facilities (outdoor) information boards, lighting, amenities, food preparation facilities, maintenance depots, environmental management works, demolition of buildings less than 250m².

Port, Wharf or boating facilities

The draft SEPP proposes to expand the range of exempt development to include storage of rainwater, grey water or bilge water (clause 70 w-z2). Council raises considerable concern that bilge water is considered as exempt development given the potential significant environmental risks to fish and wildlife as well as human health. It is recommended that storage of bilge water become development with consent to enable a full merit based and EPA consideration of such proposals.

Public administration buildings

The SEPP amendments enable alterations and additions to a public administration building to be permitted without consent (clause 77(1)(a)). Concern is raised that this would enable significant changes to administration buildings with the potential, in some circumstances for adverse impacts on adjoining residential amenity including overshadowing, privacy, bulk and scale, design and traffic generation. It is recommended that development standards be specified including maximum building heights, floor space, setbacks, overshadowing and privacy requirements where such development adjoins residential uses.

Proposed provisions allowing landscaping in the grounds of a public administration building and changes of use of a public administration

building from commercial premises as exempt development are reasonable and are supported.

Optimising commuter hubs

In relation to proposed new exempt development for commuter hubs such as automatic teller machines, coffee carts or vending machines on station platforms, concern is raised that such proposals may over time diminish the quality and function of these spaces. Randwick City Council officers have worked with Transport for NSW on the design and access arrangements on platforms for the light rail to Randwick in order to ensure high quality spaces with minimal visual clutter. Minimising visual clutter maintains safe access and pedestrian flow around busy platforms. Council would strongly encourage the amendments to the exempt provisions requiring new structures to be integrated with existing light rail infrastructure and setting a maximum size for such facilities.

It is considered that development of bus depots without consent within "prescribed zones" may potentially result in significant impacts on adjoining land in terms of heavy vehicle movements, access arrangements, scale and appearance of buildings. Therefore, it is appropriate development of bus depots should require development consent enabling a transparent assessment and community engagement by a consent authority. Similarly, the development of commuter car parks should also be subject to development consent.

It is noted that the draft SEPP amends clause 102 which currently requires consideration of noise and vibration for residential, churches, hospitals and educational establishments that are situated along a road corridor or freeway or other main road. The change relates to a reduction in the traffic threshold (from 40,000 to 20,000 vehicles) as the trigger for requiring consideration of road noise or vibration. This proposed change is supported as it would result in greater protection for the amenity of dwellings and other sensitive land uses on major roads.

Of further note is the drafting of clause 104 which relates to traffic-generating development (extract below); whilst the intent is supported it should be edited for clarity:

- (2A) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this clause applies that this Policy provides may be carried out without consent unless the authority or person has:
- (a) given written notice of the intention to carry out the development to RMS in relation to the development, and
 - (b) taken into consideration any response to the notice that is received from RMS within 21 days after the notice is given.

Further information:

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Coordinator, Strategic Planning

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