

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

7 April 2017

Dear Sir/Madam

RE: INFRASTRUCTURE SEPP REVIEW – SUBMISSION FROM THE HUNTER JOINT ORGANISATION OF COUNCILS

The Hunter Joint Organisation of Councils, on behalf of our member Councils, welcomes the opportunity to comment on the proposed changes to the Infrastructure SEPP 2007.

The attached submission was developed by the Hunter Joint Organisation of Councils Environment Division on behalf of the following NSW Local Government Authorities:

- Cessnock City Council
- Dungog Shire Council
- Lake Macquarie City Council
- Maitland City Council
- Mid-Coast Council (formerly Gloucester, Great Lakes & Greater Taree Councils)
- Muswellbrook Shire Council
- City of Newcastle
- Port Stephens Council
- Singleton Council
- Upper Hunter Shire Council

We recognise that our members may be developing individual submissions on the proposed changes to the SEPP and fully support all comments and recommendations provided to the Government by them.

Schedule 19 Amendment

Particular concern was expressed in consultations in regard to proposed amendment relating to “*Schedule 19 Amendment of State Environmental Planning Policy (Infrastructure) 2007 — telecommunications and other communication facilities*”.

The issue as it arose specifically related to the proposed inclusion to s116 (detailed below)

- (3) *The replacement or upgrading of existing telecommunications facilities (including existing radio facilities) by or on behalf of a public authority on land reserved under the National Parks and Wildlife Act 1974, or acquired under Part 11 of that Act, is exempt development if it complies with clause 20.*

We consider that it is possible that the proposed amendment will adversely impact on areas currently under protection as designated National Parks given that the exemption will not only cover direct works as related to “*the replacement or upgrading of existing telecommunications facilities*” but to all ancillary activities required to undertake the works (such as clearing to create access roads, manage stockpiles, etc.). A blanket exemption for these works is in direct conflict with the intent of the protection provided by the *National Parks and Wildlife Act 1974*.

It is also unclear:

1. How this amendment may further enable clearing and damage to National Parks given the imminent repeal of the *National Parks and Wildlife Act 1974* and implementation of the *Biodiversity Conservation Act 2017* and clearing codes included in the *Local Land Service Amendment Act 2017*
2. to what extent the standards included in clause 20 will change following the repeal of the *Native Vegetation Act 2003* and the introduction of the *Local Land Service Amendment Act 2017*.

Given the above concerns and questions we respectfully request the inclusion of clause 116(3) not occur and further suggest the appropriate planning pathway for this type of development would be Part 5 of the *Environmental Planning and Assessment Act 1979*

We thank the NSW Government for the opportunity to provide these comments and for the consultation opportunities provided to date

Please do not hesitate to contact Bradley Nolan, Director Hunter Councils Environment Division, on 02 4978 4024 to discuss any aspect of this submission.

Yours Sincerely



Roger Stephan
Chief Executive Officer