

THE HILLS SHIRE COUNCIL

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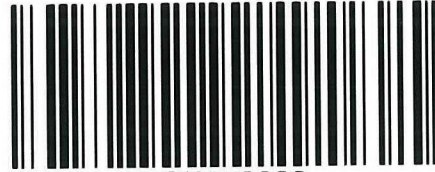
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05 April 2017

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



Our Ref: FP85

Dear Sir/Madam

**Draft State Environmental Planning Policy (Infrastructure) Amendment
(Review) 2016**

Thank you for the opportunity to provide feedback on the proposed amendments to the Infrastructure SEPP 2016. Council has considered a report on the matter and resolved that the report form the basis of The Hills Shire Council's submission on the draft State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016.

Please find attached a copy of Council's report and minute, dated 28 March 2017. Should you have any enquiries in relation to Council's submission please contact Bronwyn Inglis, Town Planner on 9843 0531.

Yours faithfully

Stewart Seale
MANAGER FORWARD PLANNING

Attachment 1: Council Report and Minute 28 March 2017



MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 28 March 2017

2. Public notice of the adoption of Draft The Hills Section 94A Contributions Plan (Amendment No.2) and the repeal of The North Kellyville Precinct Section 94A Contributions Plan, Contributions Plan No.5 – Castle Hill and Contributions Plan No.7 – Southern Precincts be placed in local newspapers.
3. All changes to take effect on the same day as which the new draft Section 94A Plan adopted by City of Parramatta Council comes into force.

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

Clr Keane
Clr Preston
Clr Dr Byrne
Clr Tracey
Clr Thomas
Clr Harty OAM
Clr Dr Gangemi
Clr Dr Lowe
Clr Hay OAM

VOTING AGAINST THE MOTION

None

ABSENT

Clr Haselden

8.16pm Councillor Thomas left the meeting and returned at 8.18pm during Item 5.
8.20pm Councillor Dr Byrne left the meeting and returned at 8.25pm during Item 5.

ITEM-5

INFRASTRUCTURE SEPP REVIEW (FP58)

A MOTION WAS MOVED BY COUNCILLOR HARTY OAM AND SECONDED BY COUNCILLOR HAY OAM THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

121 RESOLUTION

This report forms the basis of The Hills Shire Council's submission to the Department of Planning and Environment on the draft State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016.

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

Clr Keane
Clr Preston
Clr Dr Byrne
Clr Tracey
Clr Thomas
Clr Harty OAM
Clr Dr Gangemi

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 28 March 2017

Clr Dr Lowe
Clr Hay OAM

VOTING AGAINST THE MOTION

None

ABSENT

Clr Haselden

8.53pm *Councillor Tracey left the meeting and returned at 8.55pm during Item 6.*

ITEM-6

**AMENDMENT TO A PLAN FOR GROWING SYDNEY AND
DRAFT WEST CENTRAL DISTRICT PLAN (FP 25)**

A MOTION WAS MOVED BY COUNCILLOR HAY OAM AND SECONDED BY COUNCILLOR HARTY OAM THAT the Recommendation contained in the report be adopted.

AN AMENDMENT WAS MOVED BY COUNCILLOR THOMAS AND SECONDED BY COUNCILLOR DR GANGEMI THAT the Recommendation contained in the report be adopted with the following changes to B. Items 9 and 10.

9. Affordable housing targets
Council opposes the affordable housing targets due to their impact on design standards.
10. Approach for rural lands and urban growth pressures
The Sustainability Priorities 8, 9 and 10 as they deal with Metropolitan Rural Lands are not supported. The District Plan must include these lands as part of the planning and meeting the growth of Sydney.

THE AMENDMENT WAS PUT AND CARRIED AND BECAME THE MOTION

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE AMENDMENT

Clr Keane
Clr Preston
Clr Dr Byrne
Clr Thomas
Clr Dr Gangemi

VOTING AGAINST THE AMENDMENT

Clr Tracey
Clr Harty OAM
Clr Hay OAM
Clr Dr Lowe

ABSENT

Clr Haselden

THE MOTION WAS PUT AND CARRIED.

ITEM-5	INFRASTRUCTURE SEPP REVIEW (FP58)
THEME:	Balanced Urban Growth
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
MEETING DATE:	28 MARCH 2017 COUNCIL MEETING
GROUP:	STRATEGIC PLANNING
AUTHOR:	SENIOR TOWN PLANNER BRONWYN INGLIS
RESPONSIBLE OFFICER:	MANAGER – FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

The Department of Planning and Environment is exhibiting the State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016. It is a statutory requirement that the provisions of the Infrastructure SEPP be reviewed at least every five years. This review also forms part of the State Government's broader SEPP Review program. The Infrastructure SEPP seeks to facilitate the delivery of infrastructure across the state, and includes planning controls for a range of developments such as activities in parks and public reserves, railways, and emergency services facilities.

The 2016 Infrastructure SEPP review has focused on the delivery of social infrastructure. Specifically, new provisions have been prepared for health services facilities, correctional centres, emergency and police services, public administration buildings and council services on operational lands. Other key amendments relate to simplifying and expanding the planning approval pathways to achieve the efficient delivery of infrastructure (particularly social infrastructure), and it introduces new provisions for Council operational land, commuter hubs, and lead-in water sewer infrastructure.

There are a number of concerns in relation to the proposed changes. Key concerns relate to a broadening of the permissibility of health services facilities within residential zones, the increased use of complying development (and therefore private certifiers) as an option for some developments including sewage lead-in works, and the lack of development standards (such as setbacks) for buildings that will not require consent under the draft changes. The issues raised in this report seek to ensure that appropriate standards are imposed on new development, particularly given the increased opportunities to utilise exempt and complying development provisions.

It is recommended that a submission be lodged with the Department of Planning and Environment detailing the key concerns. The suggested changes aim to ensure that suitable requirements are in place to achieve infrastructure development that minimises adverse impacts to adjoining property owners and to ensure that the approval requirements for new infrastructure development are appropriate.

REPORT

The purpose of this report is to review the State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016 which is on exhibition until 7 April 2017.

The Hills Shire is experiencing significant population growth that is forecast to continue into the future. Growth associated with the new release areas and redevelopment associated with the arrival of the Sydney Metro Northwest will bring with it an increased demand for social services such as health care, public transport and other infrastructure to be provided in a timely and efficient manner. The State Government's proposed changes to the Infrastructure SEPP seek to simplify the approval pathways with the aim of improving the delivery of infrastructure to the community. This Report acknowledges the importance of providing key services to the community and ensuring that service provision closely matches the future population growth, distribution and the associated infrastructure demand. However, the Report highlights the importance of having a planning regime that will ensure that new development occurs in suitable locations and has regard to potential impacts on the amenity of existing residents.

1. PROPOSED AMENDMENTS

The State Government's Infrastructure SEPP review involves a number of changes to the approval regimes for some infrastructure types. Changes include the introduction of new complying development opportunities for some uses, a broadening of the exempt development provisions, and the introduction of new development types as permitted with consent. Some housekeeping and administrative amendments are also proposed.

An overview of the key changes that will be introduced by the Infrastructure SEPP review is provided below. A discussion on the key issues of concern for the Hills Shire is provided in Section 2 of the report.

(a) Health Services Facilities

The Standard Instrument – Principal Local Environmental Plan defines health services facilities (a 'group term') as follows:

"health services facility means 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,*
- (b) community health service facilities,*
- (c) health consulting rooms,*
- (d) patient transport facilities, including helipads and ambulance facilities,*
- (e) hospital."*

The key changes for health services facilities include amending the definition of 'health services facilities' to be consistent with the Standard Instrument LEP, introducing a new complying development regime for health services facilities and permitting health services facilities in additional residential and business zones.

The changes will also allow a public authority to carry out some works without development consent within the boundaries of an existing health services facility, and permit a public authority to carry out with consent an expanded range of developments on State land within the boundaries of a health services facility. A new exempt development regime will also be introduced for land within the boundaries of public and private health services facilities.

(b) Police Services Facilities and Police Stations

New provisions are being introduced to cater for NSW Police Force facilities. The State Government is seeking to allow the NSW Police force to access the same provisions as the Ambulance Service of NSW and Fire and Rescue NSW, including:

- Allowing police services facilities in prescribed land use zones without consent (rural, industrial, special purposes and business zones);
- Requiring development consent for police services facilities in all residential zones, and the RU6 Transition, RE1 Public Recreation, E3 Environmental Management and E4 Environmental Living zones;
- Allowing demolition, restoration, alterations and additions to existing police and emergency services facilities without consent on any land; and
- Provisions in the SEPP relating to public administration buildings will no longer apply to police stations.

The approval process for alterations and additions to existing emergency services facilities will also be simplified. New provisions allow for an emergency services organisation to undertake general alterations and additions to an existing emergency services facility without consent. Current controls restrict alterations and additions to minor changes only. All police and emergency services facilities that are permitted without consent will continue to require consultation with the relevant council and occupiers of any adjoining or adjacent land.

(c) Council Operational Land, Parks and Other Public Reserves

A new section relating to operational land (as defined in the *Local Government Act 1993*) will be introduced to the Infrastructure SEPP. It is proposed to extend the provisions for exempt development and development permitted without consent which Councils can currently undertake on their public reserves to include Council operational lands.

In addition, changes are also proposed to the existing 'development permitted without consent' provisions that may be carried out by a council on a public reserve that is under the control of or vested in a council. Works such as pedestrian bridges, landscape structures, and food preparation and related facilities will now also be permissible without consent. Notably however, visitors centres can no longer be carried out by a Council without consent on a public reserve.

The changes also update the exempt development provisions for parks and other public reserves and who can utilise the provisions. The types of exempt development that can be carried have been expanded to include uses such as bicycle storage facilities, barriers, ticketing machines and entry booths and picnic tables.

(d) Commuter Hubs (Road, Traffic and Railways)

Additional provisions are introduced for railway stations, transport interchanges, commuter carparks, bus stops and bus depots. New development will be permitted with consent by any person, such as:

- Tourist and visitor accommodation above railway stations;
- Retail or business premises in a railway complex;
- Retail or business premises on the ground floor or street frontage of a multi-level transport interchange or commuter carpark; and
- Commuter carparks associated with certain busy bus stops.

New exempt development provisions will also permit uses such as automatic teller machines, coffee carts and vending machines within a railway complex, and the construction of bus stops and shelters (by public authorities or accredited bus service operators). The general exempt development provisions (Schedule 1 of the SEPP) will now be available to accredited bus service operators within an existing bus depot.

New complying development provisions are being introduced for works at existing bus depots which will allow alterations and additions to existing buildings subject to conditions relating to gross floor area and height. The construction of new buildings, including staff canteens and amenity facilities, and the erection of a compressed natural gas refuelling installation and underground petroleum storage tanks (subject to size restrictions) will also be permitted as complying development.

(e) Lead-in Water and Sewerage Infrastructure

New provisions will be introduced to simplify the assessment and approval process for minor lead-in sewerage and water infrastructure (such as 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). The changes will allow both private developers and private infrastructure providers to provide lead-in infrastructure that connects to the Sydney water supply and sewerage network as complying development, subject to conditions.

(f) Operational and Housekeeping Amendments

A number of operational and housekeeping amendments are proposed to be made as part of the State Government's Infrastructure SEPP review. The key changes include:

- The removal of provisions for educational establishments from the Infrastructure SEPP into a new stand-alone SEPP (Educational Establishments and Child Care Facilities) 2017. Issues relating to the proposed Education SEPP have been addressed in a separate report to Council; and
- The exempt and complying development provisions for small wind turbine systems and solar energy systems will be transferred to the SEPP (Exempt and Complying Development Codes) 2008 as they are primarily used by households and private commercial premises.

2. KEY ISSUES FOR THE HILLS SHIRE

The following matters are considered to be of importance to The Hills Shire:

- (a) Changes to the permissibility of Health Services Facilities;
- (b) The permissibility of Police Stations in residential zones;
- (c) The permissibility of visitors centres within parks and other public reserves;
- (d) Standards for development within railway stations;
- (e) Increased role of private certifiers and complying development criteria;
- (f) The role of the Roads and Maritime Services in traffic generating developments;
- (g) The lack of development standards and limits on the scale for some development types; and
- (h) The notification of development proposals to adjoining owners.

A discussion of the abovementioned issues is provided below.

(a) Changes to the permissibility of Health Services Facilities

Key changes to planning for health services facilities include introducing the R2 Low Density Residential and B1 Neighbourhood Centre zones within the list of prescribed zones for health services facilities. Health services facilities (except health consulting rooms) are not currently permissible in the R2 Low Density Residential zone under LEP 2012. Similarly, medical centres and health consulting rooms are the only types of health services facilities that are currently permissible in the B1 Neighbourhood Centre zone under LEP 2012.

There is some concern regarding the suitability of allowing health services facilities (which include medical centres, community health service facilities, health consulting rooms, patient transport facilities (including helipads and ambulance facilities), and hospitals into the R2 Low Density Residential zone. The introduction of such uses in this zone (with the exception of health consulting rooms) has the potential to introduce adverse amenity and visual impacts in low density residential areas. However no objection is raised to the proposed changes for the B1 Neighbourhood Centre zone.

The proposed changes also broaden the types of development that can be undertaken without consent by a public authority on any land within the boundaries of an existing health services facility. It is considered that the operational characteristics of new helipads and car parks that will service an existing health services facility do warrant consideration through the formal development assessment process due to the potential amenity, acoustic and aesthetic impacts on the surrounding area. One of the basic rights of landowners is to be informed of development proposals next to them and to be given opportunities to identify to the decision maker, aspects that will affect the enjoyment of their property. Given the breadth of development it is considered that this basic right is not adequately addressed in the reforms.

There is also concern that the new complying development regime (which will apply to some activities that may be undertaken any person on land within the boundaries of an existing health services facility) is too broad. Given the types of land uses that are included in the health services facility definition, it is recommended that additional design criteria be included to manage the scale and proliferation of uses that are approved as complying development to mitigate impacts on adjoining properties. It is also recommended that the total height of a building that is permitted as complying development be limited to two storeys only.

Further, a public authority could previously undertake a limited range of development with consent on State land that was identified as a "special use" zone for a health services facility. The proposed changes expand the list of development permitted with consent where it is carried out by or on behalf of a public authority on State land within the boundaries of an existing health services facility, regardless of the zone. The new clause will allow uses such as child care centres, commercial premises, recreation facilities and residential accommodation. It is important to ensure that existing 'checks and balances' which are currently in place to ensure that development on State land will be compatible with surrounding land uses are not lost, particularly given the expanded range of land uses that will be permitted.

Recommendations

- The R2 Low Density Residential zone should not be included as a prescribed zone for health services facilities. Most uses within the health services facility definition, for example hospitals and helipads, are not in keeping with the low density residential character and intent of the zone and have the potential to create adverse amenity impacts to neighbours. The Hills LEP 2012 already permits health consulting rooms in the R2 Low Density Residential zone which is considered appropriate.
- New helipads and car parks to service an existing health services facility should require consent due to the potential amenity and aesthetic impacts on the surrounding area. Further, additional complying development controls should be included to manage the overall scale and proliferation of uses that are approved as complying development on land within the boundaries of an existing health services facility, particularly where they are located in residential zones. The total height of a building that is permitted as complying development should also be limited to two storeys only.

(b) The permissibility of Police Stations in residential zones

The draft amendments introduce a new definition of police services facilities to separate this use from the broader definition of emergency services facilities. A police services facility means a building or place (including a helipad) that is used in connection with the provision of police services by the NSW Police Force, including police training facilities. The inclusion of a helipad is consistent with the definition of emergency services facilities. The provision of a separate definition reflects the varied nature of activities undertaken by the Police Force.

Explanatory notes accompanying the draft SEPP state that provisions in the SEPP relating to public administration buildings will no longer apply to police stations. Confusingly, 'police station' is currently specified within the definition of public administration building and it is not proposed to be deleted as part of the draft amendments. It is therefore unclear under which controls police stations would be considered, and whether or not they are regarded as a police services facility or a public administration building. This has direct implications for the zones in which a police station would be permitted.

Under the existing definition of public administration building, a police station is not permitted in any residential zone. However if a police station is intended under the draft amendments to be considered within the definition of a police services facility, it would be permitted in residential zones, as with emergency services facilities. Advice sought from the Department confirmed that despite the contradictions in definition, a police station is intended to be encompassed within the definition of a police services facility and would therefore be permitted with consent in all residential zones. It is intended to facilitate policing of the wider community by not limiting police stations or other police functions to business or rural areas.

The proposed changes seek to allow the NSW Police Force to access the same provisions as the Ambulance Service of NSW and Fire and Rescue NSW. However, there is concern that the operational characteristics of the various emergency services facilities are not the same, because a typical ambulance or fire station would have limited interaction with the general public, fewer staff and less administrative functions. A 'Police station' is not separately defined however they typically consist of offices and associated parking, holding cells, and may attract significant levels of public visitation and out of hours activity.

Concerns are raised with regard to the compatibility of some police activities with low density residential areas in the Hills Shire. There is a significant difference between small police stations with minimal staff that might serve a rural community, compared to larger stations in more urban areas that could have higher staff numbers and longer hours of operation, greater vehicle movements, and more frequent visits by members of the community. As a result, larger police stations and their potential traffic, noise, and privacy impacts are unlikely to be aligned with the expectations of residents in low density areas where activities are residential in character or are intended only to satisfy the day to day needs of the area. Residents could unexpectedly be subjected to commercial-like activity of a scale that is not anticipated under the R2 Low Density Zone. Although it is acknowledged that police stations will require consent in the R2 Low Density Residential zone, it is important that the SEPP (Infrastructure) contain adequate controls to ensure that police stations are appropriate in scale and location. Larger police stations are not appropriate in the low density residential zone.

In recognition of the potential impacts a police station may generate, the draft amendments propose a clause stipulating that alterations and additions to an existing police station that do not require consent must not result in any significant adverse impact on the amenity of the locality, including increasing traffic volumes, interfering with traffic flows, reducing the availability of parking, or allow for more than a 10% increase in staff numbers. It is recommended that consideration should also be given to hours of operation, and the privacy and safety of adjoining residential land.

Recommendation

- Police station be omitted from the definition of a public administration building so that development for this purpose clearly falls within the definition of police services facilities, or that clarification be provided by some other means;
- The SEPP contain additional provisions to ensure that any police station located in the R2 Low Density Residential zone is limited to a low-scale operation only. This should include the requirement to consider residential privacy and public safety, with thresholds and numeric provisions introduced to manage traffic generation, parking, noise, solar access requirements and hours of operation.
- Consideration of residential privacy, public safety and hours of operation also be specifically highlighted in relation to alterations and additions to existing police stations permitted without consent.

(c) The permissibility of visitors centres within parks and other public reserves

Changes to Clause 65(3) 'Development permitted without consent' of the Infrastructure SEPP will mean that visitors centres can no longer be carried out by a Council without consent on a public reserve. The ability for a Council to undertake such works should be maintained. It is also recommended that outdoor exercise equipment be permitted without consent on a public reserve under the control of or vested in the council. These amendments will assist Council to provide services for the community in a timely manner where they have minimal amenity and environmental impacts.

Recommendation

- The existing ability under Clause 65(3) of the Infrastructure SEPP for a Council to carry out development for the purposes of a visitors centre without consent on a public reserve under the control of or vested in the Council should be maintained. Further, proposed clause 65(3) should also permit outdoor exercise equipment by Council without consent in a public reserve.

(d) Standards for development within railway stations

The exempt development provisions for railways should include limits on the size of coffee carts and also require compliance with AS4674:2012 for the construction and fit-out of food premises. Also, the exempt clause should be amended to ensure that seating for coffee carts is not permitted as exempt development.

In some instances established businesses such as coffee shops or newsagents will already be located in buildings nearby to a railway station. It is important that care be taken to ensure that the new exempt development provisions do not negatively affect the ongoing viability of existing nearby businesses that provide a service to communities, but also vibrancy in the vicinity of rail stations that contribute to greater public safety. It is envisaged that the new railway stations in the Hills Shire will become vibrant and active places, and consideration should be given to the potential for economic impacts that may arise due to the proliferation of multiple small scale uses in an area that are in direct competition to local shops.

Recommendation

- The exempt development provisions for railways should include limits on the size of coffee carts and also require compliance with AS4674:2012 for the construction and fit-out of food premises. Proposed Clause 82A should also be amended to ensure that seating for coffee carts is not permitted as exempt development.
- Care should be taken to ensure that the new exempt development provisions for railway stations do not negatively affect the ongoing viability and vitality of existing businesses located nearby.

(e) Increased role of private certifiers and complying development criteria

The Infrastructure SEPP review will introduce a greater ability to undertake complying development for some land use types. Whilst no objection is raised in principal to simplifying the planning process, there is concern regarding a number of matters including the suitability of allowing compressed natural gas refuelling installations and underground petroleum tanks as complying development within the boundaries of an existing bus depot. It is considered that such development should require development consent.

Clarification is also required as to what type and level of accreditation a certifier will require to be able to issue Complying Development Certificates for sewerage lead in works.

Recommendation

- Allowing compressed natural gas refuelling installations and underground petroleum tanks as complying development within the boundaries of an existing bus depot is not appropriate and should require development consent to protect community safety.
- Clarification should be provided as to what type and level of accreditation a certifier will require to be able to issue Complying Development Certificates for sewerage lead in works.

(f) The role of the Roads and Maritime Services in traffic generating developments

Proposed changes to Schedule 3 'Traffic Generating Development to be referred to Roads and Maritime Services' will require all child care centres of 50 or more children to be referred to the Roads and Maritime Services (RMS) for their concurrence. It is considered that this is too low and will generate more unnecessary referrals to the RMS for development Council is able to manage.

Recommendation

- Referrals to RMS should only be required for child care centres proposing in excess of 90 children.

(g)The lack of development standards and limits on the scale for some development types

The proposed changes to the SEPP (Infrastructure) will broaden the range of land uses that may be undertaken without consent or as exempt or complying development. It is considered that additional development standards are required to control the overall scale and design of new infrastructure and buildings to ensure that new development is in keeping with surrounding development. More specific built form controls such as setbacks are warranted for development allowed as complying and exempt development for the following infrastructure types:

- Buildings within existing bus depots;
- Health services facilities; and
- Road and traffic infrastructure.

It is recommended that minimum setback standards, design criteria, and limits on the overall extent of changes (for example where multiple changes are proposed as complying development on a single site) be included to protect the amenity of adjoining property owners and to minimise overshadowing and privacy loss. Also, there is concern that the height limits for some forms of complying development may not be suitable, particularly adjoining a low density residential zone.

Where it is proposed to allow development without consent, complying development or exempt development under the Infrastructure SEPP, it is recommended that strong criteria should be included to manage the scale and operational impacts associated with new development that is allowed without consent. Dependant on the use, potential controls could relate to traffic generation, hours of operation or staff numbers. This is particularly relevant for residential zones where development should be in keeping with the zone objectives and where potential impacts such as associated traffic, noise and loss of privacy should be avoided.

Recommendation

- Where it is proposed to allow development without consent, complying or exempt development under the Infrastructure SEPP, greater standards should be included to manage the overall scale and operational impacts associated with new development, particularly within residential zones.

(h)The notification of development proposals to adjoining owners

Whilst the need to streamline the development process for important infrastructure is acknowledged, it is important that adjoining landowners are notified and informed of development that has the potential to adversely affect the amenity and privacy of their properties. By being notified, residents are able to identify impacts that arise from adjoining development, which in many cases results in amendments that make minor, less impacts and lead to a more harmonious outcome for both parties.

In recognition of the increased scale of certain health services facilities that will be permitted without consent, a new notification provision has been introduced to the SEPP which requires public authorities to notify the relevant Council and the occupiers of any adjoining land. Under the new provision, a public authority must take into consideration any response to the notice that is received within 21 days. Whilst requiring notification for higher impact development is supported, it is noted that the provision is not proposed to apply to development for the purposes of car parks to service patients or staff of, or visitors to, the health services facility. In light of the potential traffic and

amenity impacts associated with such a use, especially in association with health services facilities, it is recommended that the subclause be broadened to also apply to car parks.

Also, in recognition of the need to incorporate reasonable transparency in the planning process, it is recommended that the notification requirements for 'development permitted without consent' as they relate to health services facilities and emergency service facilities be broadened to include adjoining landowners in addition to occupiers of adjoining land.

Recommendation

- In relation to health services facilities, the application of Subclause 58A(2) 'Notification of carrying out of certain development without consent' should be broadened to also apply to 'development for the purposes of car parks to service patients or staff of, or visitors to, the health services facility (or other premises within the boundaries of the facility)'; and
- The notification provisions for health services facilities and emergency and police services facilities where development is permitted without consent should be amended to require notification to adjoining landowners as well as the occupiers of adjoining land.

CONCLUSION

It is acknowledged that the efficient delivery of infrastructure to support the needs of the Shire's growing community is important. However, it is important to ensure that any streamlining of the development assessment process ensures the ongoing protection of the amenity of local neighbourhoods. This submission recommends a number of amendments to ensure that appropriate standards are imposed on new development, particularly given the increased opportunities to utilise exempt and complying development provisions.

It is recommended that a submission be made to the Department of Planning and Environment outlining recommending changes to the State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016 as set out in this report.

IMPACTS

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

The Hills Future - Community Strategic Plan

Community Strategic Direction 7.2 requires Council to manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations. This submission will ensure that Council's views are effectively represented and that there is input into legislation that affects local issues.

RECOMMENDATION

This report forms the basis of The Hills Shire Council's submission to the Department of Planning and Environment on the draft State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016.

ATTACHMENTS

1. State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016 Explanation of Intended Effect (20 pages)
2. Public Consultation Draft – State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016 (67 pages)