
Department of Planning, Housing and Infrastructure

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Improving planning processes to deliver infrastructure faster

Explanation of intended effect

March 2024



Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Contents

Acknowledgement of Country.....	2
Contents.....	3
Introduction.....	4
1. Proposed changes to educational establishments.....	9
2. Proposed changes to health services facilities.....	15
3. Proposed changes for National Parks and Wildlife Service land.....	19
4. Proposed changes for electricity generating works and solar energy.....	22
5. Greater Sydney Parklands.....	26
6. Emergency services facilities.....	30
7. Planning pathways for new water treatment facilities.....	34
8. Planning pathways for water storage facilities.....	37
9. Infrastructure in coastal areas.....	40
10. Planning pathways for building demolition.....	43
11. Temporary structures on parks and other public reserves.....	44
12. Changes to electric vehicle charging units.....	46
13. Research and monitoring stations.....	49
14. Three Ports planning controls.....	50
15. Moorebank Freight Intermodal Precinct.....	55
16. Australian Botanic Garden Mount Annan.....	60
17. Other proposed changes.....	67
Glossary.....	72
Appendix 1 – Port Kembla Land Use Safety Study.....	74
Appendix 2 – Draft Heritage Table for Chapter 5 (Three Ports).....	78

Introduction

The NSW Government proposes a range of changes to the:

- *State Environmental Planning Policy (Transport and Infrastructure) 2021* – also known as the T&I SEPP
- *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* – also known as the Precincts – Western Parkland City SEPP
- *State Environmental Planning Policy (Planning Systems) 2021* - also known as the Planning Systems SEPP.

These SEPPs are key parts of NSW's planning legislation. This document is an explanation of intended effect (EIE) for the purposes of section 3.30 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The EIE describes the proposed changes and invites feedback from the public. The NSW Department of Planning, Housing and Infrastructure will consider public feedback in refining the proposals.

Planning requirements for infrastructure delivery

State environmental planning policies (SEPPs) are created under the EP&A Act. They aid the protection, improvement or use of land in NSW.

The T&I SEPP sets out the planning rules and controls for delivering infrastructure in NSW. The SEPP simplifies the planning process for providing essential infrastructure such as hospitals, roads, railways, schools, emergency services, water and electricity. Stakeholders such as the NSW Government, private infrastructure providers and councils use the provisions (legal requirements) of the SEPP.

The T&I SEPP provides 'planning approval pathways' for new and existing infrastructure. An infrastructure proposal can follow these pathways to get approval for construction and/or operation. We mention these pathways throughout this EIE and describe them further in Table 1.

Table 1 – T&I SEPP planning approval pathways

Pathway	Description
Exempt development	Relates to very low-impact development. If the proposed works meet all development standards identified in the T&I SEPP, approval may not be needed. Exempt development generally applies to minor works.
Complying development	Typically applies to more complex proposals than exempt development. Complying development is a combined planning and construction approval for a straightforward development that a council or accredited certifier can decide on through a fast-track assessment.
Development with consent	Refers to a development that will need approval from a consent authority such as a council or the Minister for Planning. Of the different types of consent, council approvals under Part 4 of the EP&A Act are the most common.
Development without consent	<p>Applies to projects done by councils, NSW Government departments or agencies, or private bodies that are treated as public authorities. These projects can only be approved by a public authority following an environmental assessment under Part 5 of the EP&A Act.</p> <p>'Without consent' does not mean no planning assessment or other approvals are needed. It simply means the proposed development is not submitted to an authority (typically council) for a planning 'consent'.</p>



Figure 1 Campbelltown railway station at dusk

Proposed improvements to the T&I SEPP

Improvements proposed to the T&I SEPP are detailed in this EIE under the following parts:

1. Educational establishments	1. Health services facilities
2. National Parks and Wildlife Service land	3. Electricity generating works and solar energy
4. Greater Sydney Parklands	5. Emergency services facilities
6. Water treatment facilities	7. Water storage facilities
8. Infrastructure in coastal areas	9. Demolition of buildings
10. Temporary structures on parks and other public reserves	11. Electric vehicle charging units
12. Research and monitoring stations	13. Three ports planning controls
14. Moorebank Freight Intermodal Precinct	15. Australian Botanic Gardens – Mount Annan
16. Other changes, including a proposed restructure of the SEPP	

The proposed changes will:

- make it easier to deliver infrastructure at the right time, including speeding up projects that benefit the community, create jobs and support economic growth
- do so in a way that protects residential amenity, the environment and heritage items from any impacts of this delivery
- help ensure a consistent approach between different infrastructure activities with similar characteristics and impacts
- improve the usability of the SEPP.

Recent improvements to the 'development without consent' planning approval pathway support some of the proposed changes (refer to Box 1).

Box 1: Improvements to planning assessments for infrastructure

Since 2020, the department has progressed significant reform to improve the transparency and quality of assessments completed under Division 5.1 of the EP&A Act, including:

- improvements made as part of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation), such as:
 - requiring authorities to publish certain review of environmental factors (REF) reports so authorities show they are considering and managing the impacts of development activity. This improves transparency about how activities are assessed and what matters authorities consider when assessing an activity's impact.
 - adding a requirement for authorities to consider any applicable strategic planning documents made under Division 3.1 of the EP&A Act (such as regional plans), to better align infrastructure and land-use planning.
- publishing updated [Guidelines for Division 5.1 assessments](#), to clarify the process and requirements for public authorities when they complete REFs
- delivering training to support successful implementation of those guidelines and the EP&A Regulation changes
- providing a free online tool for Division 5.1 assessments through the NSW Planning Portal. This complements the guidelines, helps public authorities better understand and meet their obligations, and allows them to publish REFs on a Portal webpage that the public can search.

These reforms facilitate updates to the planning approval pathways for infrastructure, such as those described in this EIE. The updates minimise regulatory burden by allowing more activities to be delivered efficiently under the robust EP&A Act Division 5.1 planning approval pathway. The public then benefits from faster and better value infrastructure delivery.

Proposed amendment to the Planning Systems SEPP

A proposed amendment to the Planning Systems SEPP alters the planning approval pathways for water treatment facilities. The proposed change will help deliver essential infrastructure more efficiently while maintaining an appropriate level of environmental assessment.

Proposed amendment to the Precincts – Western Parkland City SEPP

A proposed amendment to the Precincts – Western Parkland City SEPP allows roadside stalls and environmental protection works (including within environmentally sensitive areas) to be considered exempt development within Western Sydney Parklands.

How to get involved

The department is exhibiting this EIE in line with its Community Participation Plan, which aims to involve more people in decisions about the NSW planning system.

To make a submission on the proposed changes in this document please visit the [Have your say](#) website on the NSW Planning Portal and complete the submission form.

1. Proposed changes to educational establishments

This part of the EIE outlines the changes the government proposes to Chapter 3 of the T&I SEPP.

Chapter 3 sets out the land use planning and assessment framework for the development of child-care centres, schools, universities and TAFEs. It makes it easier for child-care providers, schools, TAFEs and universities to build new facilities and improve existing infrastructure through streamlined approval processes. Chapter 3 balances the need to deliver more educational infrastructure with a focus on good design.

Delivering high-quality learning environments in the right locations is essential to meet the needs of the growing child and student population in NSW. The NSW planning system aims to support the efficient and adequate assessment of educational and child-care facilities.

Supporting documents for Chapter 3 are on the department's website at:

<https://www.planning.nsw.gov.au/policy-and-legislation/infrastructure/transport-and-infrastructure-sepp/education-and-child-care-facilities>

We recommend that you read this EIE along with Chapter 3 and its supporting documents.

Reasons for changes

The department has received requests from stakeholders such as School Infrastructure NSW to further streamline the planning pathway for local school development. The department is proposing changes to Chapter 3 in response to these requests.

The planning system is designed to balance the efficient delivery of important social infrastructure against environmental, social and economic considerations. The proposed changes will allow the planning system to keep responding to the increasing demand for educational services, while still delivering high-quality infrastructure and minimising adverse outcomes.

The proposed changes to Chapter 3 are intended to make to the process of delivering school, university, and TAFE facilities more consistent and simpler. The proposed changes will improve the operation and usability of Chapter 3 of the T&I SEPP. Clear and efficient planning pathways can reduce the uncertainty that causes unnecessary delays and associated costs in delivering education facilities.

Proposed changes

Tables 2 to 5 outline the proposed changes to Chapter 3.

Table 2 – Development without consent

No.	Description	Proposed changes
1.	Permitting without consent permanent and temporary schools on existing TAFE and university sites	<p>We propose to permit development for the purposes of a permanent or temporary school within the boundaries of an existing TAFE or university site without the need for a DA.</p> <p>The proponent would still need to assess the environmental impacts of the activity under Division 5.1 of the EP&A Act through an REF.</p> <p>Existing TAFE and university sites:</p> <ul style="list-style-type: none"> • have already been considered and approved for an educational use and clustering similar uses on the same site, such as a TAFE, school or university would be an effective use of land, especially in regional areas • promote synergies between the different education activities • unlock more land for the development of school infrastructure to meet demand.
2.	Permitting the development of a temporary public school without development consent to respond to a disaster	<p>Temporarily relocating an existing public school may help during, or in anticipation of, a disaster. Not needing development consent to relocate the public school population during or in anticipation of an emergency provides a fast process suitable for a temporary period.</p> <p>An emergency could be due to flooding, storms, earthquakes, fires, explosions, accidents, epidemics etc.</p> <p>While a development application (DA) would not be required under this pathway, the proponent would still need to assess the environmental impacts of the activity under Division 5.1 of the EP&A Act.</p> <p>We propose to include the below requirements and standards to permit the use without development consent:</p> <ul style="list-style-type: none"> • The school must be in an existing building, or in a temporary one storey structure that is appropriately anchored to the ground. • The temporary use must not exceed 3 years. • The development must not be on constrained land, such as land that is flood-prone, significantly contaminated, affected by a coastline hazard, a coastal hazard or a coastal erosion hazard, or bush-fire prone.

No.	Description	Proposed changes
		<ul style="list-style-type: none"> • The building must provide or have convenient access to adequate sanitary facilities for staff and children. • The development must not be within 200m from any restricted premises, sex services premises, pub or registered club. • The temporary school must have or be provided with satisfactory drop-off and pick-up zones to accommodate the number of students attending. • The temporary school is on land that is supplied with water, electricity, sewerage and drainage services. • The proponent must notify Transport for NSW in writing of the intention to carry out the development and consider any response received.
3.	Permit kiss-and-ride zones without development consent	<p>We propose to permit kiss-and-ride zones to be developed without a DA for existing public schools.</p> <p>Kiss-and-ride facilities are designed for quick entry and exit. These zones minimise congestion and risk when used correctly. They operate under the same conditions as no-parking zones, which means a parent may stop to drop-off or pick-up children for a short time.</p> <p>This change will allow public schools to plan and deliver kiss-and-ride zones quickly to minimise project delays.</p> <p>Public schools will still be required to assess environmental impacts including traffic, from the proposed development through an REF.</p> <p>Kiss-and-ride facilities on a public road must get separate approval from the relevant roads authority under the <i>Roads Act 1993</i>.</p> <p>To inform the proposed facility and allow for its timely development, including the suitability of the location, existing public schools must notify the relevant roads authority in writing of the intention to carry out the development and consider any response received.</p> <p>We propose making this change to Chapter 2 of the T&I SEPP.</p>
4.	Synthetic turf playing fields	<p>Currently sporting and playing fields can be constructed within the grounds of an existing school, university or TAFE as exempt development. We propose to amend the provisions to clarify that proposals involving synthetic surfaces are excluded from the exempt category and instead will be permitted without development consent. This will mean that synthetic playing or sporting fields will require environmental assessment.</p> <p>This change responds to the Chief Scientist's independent review into synthetic turf in public open spaces which made recommendations regarding the</p>

No.	Description	Proposed changes
		environmental assessment requirements for synthetic turf installations. This will ensure that proposals within educational establishments are subject to the same environmental assessment requirements that are applied to proposals on public open space.

Table 3 – Complying development

No.	Description	Proposed changes
5.	Removing inconsistencies around exemptions for vegetation removal at an existing university	<p>For complying development at an existing university campus, section 3.50(7) of the T&I SEPP switches off the requirements under section 3.18(2)(e) of the T&I SEPP, to obtain a permit or approval which is required under an environmental planning instrument for the removal or pruning of a tree or other vegetation.</p> <p>Section 3.18(2)(e) says that complying development must not involve the removal or pruning of a tree or other vegetation that requires a permit or approval, unless the activity is carried out in accordance with the permit or approval.</p> <p>Section 3.50(7) does not appear in the parts of Chapter 3 referring to schools and TAFEs. To ensure consistency across schools, universities and TAFEs we propose to remove section 3.50(7).</p> <p>Section 3.20 of the T&I SEPP already includes provisions about development affecting certain trees and vegetation, permits and approvals, and the application of section 3.18(2)(e). It applies across Chapter 3.</p>



Figure 2 University of New England, Armidale

Table 4 – Exempt development

No.	Description	Proposed changes
6.	Development of a temporary public school as exempt development to respond to a disaster	<p>Temporarily relocating an existing public school may help public schools during, or in anticipation of, a disaster. An exempt planning pathway for small schools during, or in anticipation of, an emergency provides a fast process suitable for a temporary period.</p> <p>An emergency could be due to flooding, storms, earthquakes, fires, explosions, accidents, epidemics etc.</p> <p>Larger schools that require relocation will be able to use the development without consent pathway outlined above in Table 2.</p> <p>We propose to allow an existing building to be used to temporarily relocate a public school following, or in anticipation of, an emergency as exempt development.</p> <p>We propose to include the below requirements and standards to permit the use as exempt development:</p> <ul style="list-style-type: none"> • The temporary use must not exceed 24 months.

No.	Description	Proposed changes
		<ul style="list-style-type: none"> The development must not be on constrained land, such as land that is flood-prone, significantly contaminated, affected by a coastline hazard, a coastal hazard or a coastal erosion hazard, or bush-fire prone. The building must provide or have convenient access to adequate sanitary facilities for staff and children. The development must not be located within 200m from any restricted premises, sex services premises, pub or registered club. The temporary school must have existing road infrastructure to accommodate drop-off and pick-up zones. The proponent must notify Transport for NSW in writing of the intention to carry out the development.
7.	Identifying a timeframe for temporary university facilities	<p>No timeframe is currently set for removing portable or temporary facilities from universities (Section 3.49(1)(j)) and TAFEs (Section 3.56(1)(k)).</p> <p>We propose to include a 48-month timeframe for the use of temporary facilities for TAFE and universities. This is to ensure:</p> <ul style="list-style-type: none"> consistency between school, university and TAFE provisions that temporary provisions are not used permanently.

Table 5 – Other

No.	Description	Proposed changes
8.	Relationship with the Codes SEPP	<p>Section 1.8 of the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> (Codes SEPP) gives details on the relationship with other SEPPs. We propose to amend this provision to allow Chapter 3 of the T&I SEPP to prevail over the Codes SEPP, where both Chapter 3 and the Codes SEPP specify the same development as complying development or exempt development.</p> <p>The change will make the relationship between the 2 SEPPs clear for exempt and complying development planning pathways. We also proposed to make consequential amendments to the T&I SEPP to achieve this policy aim.</p> <p>All changes are intended to simplify the relationship between Chapter 3 of the T&I SEPP and the Codes SEPP.</p>

2. Proposed changes to health services facilities

This part of the EIE outlines the changes the government proposes to Chapter 2, Part 2.3, Division 10 of the T&I SEPP, which relates to infrastructure for health services facilities.

Chapter 2, Part 2.3, Division 10 the T&I SEPP supports a more efficient planning pathway for the development of health-related infrastructure in NSW. Increases in both the general and aged population, coupled with improvements in health related technologies and community expectations about the use of such technologies, has increased the demand for the provision of health services facilities across the State. Likewise, increased financial pressure and the COVID-19 pandemic have placed added strain on the system to meet demand within available resources. The proposed changes are intended to support changes to trends in health services and fast-track necessary health infrastructure developments that support economic growth in NSW.

Reasons for changes

The department has received requests for proposed changes to the T&I SEPP from Health Infrastructure NSW. These have identified areas for regulatory improvement in providing health infrastructure in the NSW planning framework. The changes the department proposes to Chapter 2, Part 2.3, Division 10 of the T&I SEPP respond to these requests. The proposed changes will accommodate faster planning pathways, deliver necessary health infrastructure on time, and stimulate the NSW economy.

Health Infrastructure NSW, a subsidiary of NSW Health, is the government agency responsible for developing public health infrastructure in NSW. Health Infrastructure NSW has experienced delays in assessing developments that require development consent. These developments include proposals that are relatively small-scale and do not amount to state-significant development.

To speed up assessment for these developments, the department proposes to provide faster, tailored planning pathways through the T&I SEPP. Faster development assessment processes will allow Health Infrastructure NSW projects to start earlier. This will ultimately create jobs, stimulate the NSW economy and ensure world-class health infrastructure is delivered on time for NSW communities.

The changes aim to improve the operation and usability of Chapter 2, Part 2.3, Division 10 of the T&I SEPP.

Proposed changes

Table 6 and 7 detail the proposed changes to Chapter 2, Part 2.3, Division 10 of the T&I SEPP.

Table 6 – Complying development

No.	Description	Proposed changes
1.	Proposed change increasing the maximum height of health services from 12 m to 30 m	<p>We propose to permit an increase in the maximum height of a building used for the purposes of a health services facility from 12 m to 30 m, if the proposed development is carried out within the boundaries of an existing health services facility.</p> <p>Under a ‘complying development’ planning pathway (section 2.64), this amendment will apply to:</p> <ul style="list-style-type: none"> • health service facilities such as medical centres, community health service facilities, hospitals and health consulting rooms • training or education buildings that are used for health and other similar professions • commercial premises that provide goods or services to staff, visitors or patients to a health services facility • administration building or a car park that services patients, visitors or staff of a health services facility. <p>Health Infrastructure NSW requested to increase the height of health service facilities to 30 metres. A complying development pathway for this type of development will provide a faster, more efficient process to deliver these facilities.</p> <p>We propose to include requirements and standards for the complying development planning pathway. These standards will ensure that the health services facility responds to the surrounding area, amenities and site constraints. The standards will include similar conditions from Schedule 6 of the T&I SEPP that apply to complying development in schools, including the following.</p> <ul style="list-style-type: none"> • Section 3 – side and rear setbacks • Section 4 – front setback • Section 5 – design and materials • Section 7 – overshadowing • Section 8 – privacy • Section 9 – landscape • Section 10 – waste • Section 11 – earthworks • Section 12 – drainage • Section 13 – flood control lots.

Table 7 – Development without consent provisions

No.	Description	Proposed changes
2.	Permit high technology industry and health research industries on an existing health services facility	<p>A high technology industry, which is defined as a building where biological, pharmaceutical, medical or paramedical systems, goods or components are manufactured is currently permissible with consent.</p> <p>We propose to allow low scale high technology industry and health research industries (including medical research (or development) industries) within the boundaries of an existing health services facility without the need for a development application (DA).</p> <p>Section 2.61(1) of the T&I SEPP already includes requirements and standards for the use to be permitted without needing development consent, such as the building height being no more than 15 metres.</p> <p>A proponent would still need to assess the impacts of the activity through an assessment under Division 5.1 of the EP&A Act, referred to as a REF.</p> <p>Health Infrastructure NSW states there is a significant demand for such uses, and they prefer to be on health services sites for staffing and associated service needs. Existing health services facilities already contain complementary uses within their boundaries. Permitting a cluster of similar uses would:</p> <ul style="list-style-type: none"> • be an effective use of the land • help meet the health service needs • provide specialist services to NSW • provide more employment opportunities.
3.	Residential care facility on an existing health services facility	<p>Health Infrastructure NSW is improving access to a mix of health and aged care services that meet community needs. This includes delivering flexible, integrated health and aged care on land occupied by existing health services facilities.</p> <p>At the request of Health Infrastructure NSW, we propose to amend the T&I SEPP to allow development for the purposes of residential care facilities to be carried out without consent within the boundaries of an existing health services facility. This section already has requirements and standards for development under this pathway. This includes that the development of a building cannot exceed 15 metres in height or be closer than 5 metres to any property boundary.</p> <p>The proposal includes allowing residential care facilities through development that is permitted without consent provided the proponent carries out an assessment of the impacts of the activity as required under Part 5 of the EP&A Act.</p>



Figure 3 Medical centre and aged care facility in Collarenebri

3. Proposed changes for National Parks and Wildlife Service land

We propose making changes to T&I SEPP for land that the NSW National Parks and Wildlife Service (NPWS) has reserved or acquired.

NPWS manages 889 protected areas in NSW, covering over 7 million hectares. NPWS has a wide range of responsibilities in these protected areas, including:

- plant and animal conservation
- fire management
- sustainable tourism and visitation
- research
- education and volunteering programs.

The proposed changes will help protect the environment. They will also create flexible planning pathways to help NPWS maintain essential infrastructure.

Reasons for changes

The NPWS has requested that the department consider changes to the T&I SEPP to enable the NPWS to carry out its functions more effectively. We propose changes that respond to these requests.

As part of managing national parks throughout the State, the NPWS regularly carries out works following a storm, landslip, bushfire, coastal inundation, or floods. In most cases, these incidents are not declared emergencies where other provisions within the T&I SEPP or other legislation could be used. We propose changes to help the NPWS repair infrastructure after such incidents, so it is safe, and to address any risks to public safety and environmental assets. The amendments will also address concerns with private leaseholders doing electricity infrastructure works that may affect the sensitive local environment within national parks.

The proposed changes are consistent in protecting and managing critical assets of state and national significance. In addition, reducing the planning burden for environmental management works in national parks may also reduce costs and deliver the benefits of such works sooner.

Proposed changes

The proposed amendments relating to NPWS are detailed in the table below.

Table 8 – Exempt development

No.	Description	Proposed changes
1.	Emergency works on land reserved or acquired by NPWS as exempt development	<p>We propose to allow emergency works to be carried out as exempt development following the occurrence of a natural disaster (e.g. storm, landslip, bushfire) or other event, (e.g. vandalism, equipment failure, structural collapse) that results in damage to land or assets reserved or acquired under the <i>National Parks and Wildlife Act 1974</i>.</p> <p>The NPWS regularly carries out works within national parks following the occurrence of a natural disaster or other event to ensure infrastructure on land reserved or acquired by the NPWS is safe and operable and minimises risks to public safety and environmental assets. In many cases, these incidents are not declared 'emergencies'. This means that because a declaration is not made under the <i>State Emergency and Rescue Management Act 1989</i> and <i>Rural Fires Act 1997</i>, certain works that are permissible under the T&I SEPP are not available.</p> <p>It is proposed to amend the T&I SEPP to provide that, 'emergency works' (as defined under section 2.3 of the T&I SEPP) can be carried out as exempt development on land reserved or acquired by the NPWS.</p>
2	Allow certain electricity transmission or distribution works located within the land reserved or acquired by NPWS to be undertaken by a public or electricity supply authority	<p>Division 5 of the T&I SEPP contains provisions for electricity transmission and distribution networks. We propose to amend provisions in Division 5, Part 2.3, to make it clear that exempt development for specified purposes can only be carried out by or on behalf of an electricity supply authority or public authority on land reserved or acquired by the NPWS.</p> <p>Private entities lease many areas within national parks. National parks are environmentally sensitive areas, and undertaking of any work in these areas may pose a significant risk to the environmental security of these areas if not undertaken properly. We propose to amend s 2.46(1) of the T&I SEPP to limit work done by private leaseholders that may affect environmentally sensitive areas.</p> <p>We propose to allow the following works (under Section 2.46) to be undertaken by or on behalf of an electricity supply authority or public authority only where undertaken on land reserved or acquired by NPWS. Other works such as maintaining infrastructure will still be permitted.</p>

No.	Description	Proposed changes
		<p>(c) any of the following if the primary purpose of the development is not to increase the capacity of the network –</p> <ul style="list-style-type: none"> (i) replacement or re-alignment of electricity lines for conveying electricity at a voltage of 66kV or less, (ii) installation or upgrading of electricity lines for conveying electricity at a voltage of 66kV or less that are above or below ground service lines connecting premises to the network, (iii) replacement of poles with similar sized poles, or of associated support structures, for electricity lines for conveying electricity at a voltage of 66kV or less, (iv) re-alignment of poles, or of associated support structures, for electricity lines for conveying electricity at a voltage of 66kV or less, <p>(g) demolition and removal of electricity works if –</p> <ul style="list-style-type: none"> (i) the demolition is carried out in accordance with AS 2601 – 2001, Demolition of structures, and (ii) the development is not associated with substations containing equipment designed to operate (or convey electricity) at a voltage of more than 66kV, and (iii) the development will not be carried out on sites where soil is likely to be contaminated,



Figure 4 Crowdy Bay National Park

4. Proposed changes for electricity generating works and solar energy

We propose changes proposed to Division 4, Chapter 2 of the T&I SEPP. This division details the planning approval pathways for infrastructure relating to electricity-generating works and solar energy systems. It supports efficient development of electricity and solar infrastructure in NSW. The proposed amendments can improve the delivery of electrical infrastructure. The amendments will appropriately define certain works and ensure contemporary and clear approval pathways.

These proposed amendments to the T&I SEPP aim to provide a planning pathway for Stand Alone Power Systems (SAPS) and medium-sized solar batteries systems as complying development.

Currently, there is no development assessment pathway in the T&I SEPP for SAPS, and we propose to provide more flexible planning pathways for medium-sized solar batteries. As advancements in electricity and battery storage system technology, it is appropriate to include development standards for this important infrastructure.

Reasons for changes

SAPS

SAPS are an electricity supply arrangement that is not physically connected to the national grid. They generally comprise a solar photovoltaic (PV) system, a battery and a backup diesel generator. They can be an individual power system supporting a single household or multiple connections.

SAPS enable remote households to both generate and store electricity and can provide a more reliable service, especially in the event of natural disasters. SAPS generate electricity on-site, meaning they do not rely on supporting infrastructure that could be affected by natural disasters, such as bushfires.

Federal and state ministers have committed to supporting SAPS use by distribution networks as a more affordable and reliable form of energy supply. The Australian Energy Market Commission (AEMC) has established a national framework that allows distribution networks (DNSPs) to disconnect customers from the interconnected grid and instead provide their electricity supply by way of a SAPS where it is economical. This saves the costs of maintaining long or bushfire-prone network feeder lines, resulting in lower network costs for all customers.

It is important for the T&I SEPP to recognise the systems and provide an appropriate planning pathway. The proposed changes offer a planning pathway for SAPS as development without consent and as complying development.

Medium-sized solar batteries

Currently, the development of solar batteries can be carried out as either exempt development or development with consent. A small scale solar battery system is exempt development if, among other things, it cannot store more than 20kWh of energy and not more than 1 system is installed. Any system with a storage capacity of more than 20kWh requires development consent.

We propose to include a complying development planning pathway for solar batteries. The policy aim is to distinguish between small and medium-scale solar batteries. We can do this by including development standards under the complying development pathway. The planning system must ensure batteries are sited and installed correctly to mitigate health and safety risks as well as risks to responders in emergency situations.

Aiding the development of batteries for medium-scale energy systems will provide opportunities in areas such as commercial or industrial developments that have substantial roofing areas that generate a certain amount of energy.

Previous amendments to the T&I SEPP

Chapter 2, Part 2.3, Division 4, of the T&I SEPP, was previously amended to provide a planning pathway for “electricity storage” by adding it to the definitions of “electricity generating works” and “electricity transmission or distribution networks”. This provided the flexibility to develop “electricity storage” under the planning pathways offered in this division.

At that time, SAPS and medium-sized solar battery systems were relatively new technology and the technology has been quickly evolving. As the benefits of such technologies are being realised and information has become available, we have gone ahead with work to respond with the relevant amendments.

Proposed changes

Table 9 details the proposed changes for emerging electricity infrastructure.

Table 9 – Complying development

No.	Description	Proposed changes
1.	SAPS	<p>Currently there is no assessment pathway for development involving the installation of SAPS under the T&I SEPP. Nor is there is there a clear definition that includes all components of the SAPS.</p> <p>A complying planning pathway for this type of development will provide a faster, more efficient process to deliver these facilities. The proposed amendment will make it clear that an SAPS is a power system operating</p>

No.	Description	Proposed changes
		<p>independently of the grid and supply continuous power and include the following components in one system.</p> <ul style="list-style-type: none"> • solar battery system • solar energy system • back-up electricity-generating plant (generator) • power inverters and controllers. <p>We propose to include the below requirements and standards to permit the use as complying development. These standards require considering of matters such as compliance with existing Australian Standards, accreditation and safety:.</p> <ul style="list-style-type: none"> • the SAPS will be installed in a prescribed rural, industrial, and special use zone • solar energy systems complies with Section 2.39 (2)(e) and (f). • The system is installed in accordance with the manufacturer's specifications. • The system complies with the following standards (as relevant to each component), <ul style="list-style-type: none"> — AS/NZS 4509.1-2009 Stand-alone power systems - Safety and installation — AS/NZS 4777 - Grid connection of energy systems via inverters (Part 1 and 2) — AS/NZS 3000: 2018 - Electrical installations (Wiring Rules) — AS/NZS 5139:2019 Electrical installations— Safety of battery systems for use with energy conversion equipment. — AS/NZS 5033: 2019 - Installation and safety requirements for photovoltaic (PV) arrays — AS 60529 2004 - Degrees of protection provided by enclosures (IP Code). — AS/NZS 3010:2017 - Electrical installations - Generating sets <p>Solar energy system</p> <ul style="list-style-type: none"> • The SAPS is approved by the Clean Energy Regulators approved products scheme operator. • The SAPS is installed by a person accredited by the Clean Energy Regulators' preferred organisation for an accreditation scheme for the installation of SAPS. • Before to operation, a Certificate of Compliance for electrical work (CCEW) must be submitted to NSW Fair Trading.

No.	Description	Proposed changes
		<p>Generator</p> <ul style="list-style-type: none"> The generator and any fuel shall be installed within a separate room that is sealed from the solar battery system, solar energy system, and battery inverter. The generator does not use any hydrogen or metal hydride-based fuels. <p>Solar battery system requirements</p> <ul style="list-style-type: none"> The battery is approved by the Clean Energy Council. The system is installed by a person accredited by the Clean Energy Council for the installation of battery systems.
2.	Solar battery systems	<p>The proposed amendment will provide that development for the purposes of a solar battery system capable of storing more than 20kWh of energy is complying development, but only if it satisfies the below conditions. We propose to include the below requirements and standards to permit the use as complying development. These standards require the consideration of matters such as safety, separation distances and battery location.</p> <ul style="list-style-type: none"> The development complies with section 2.22 (general requirements for complying development certificates). The land is not in a heritage conservation area. The system is installed in accordance with the manufacturer's specifications. The system complies with AS/NZS 5139:2019 Electrical installations— Safety of battery systems for use with power conversion equipment. The battery is approved by the Clean Energy Council. The system is installed by a person accredited by the Clean Energy Council for the installation of battery systems, The total system (if more than one system is installed) cannot store more than 200kWh of energy. In the case of land in a prescribed residential zone, the system has the capacity to store no more than 100kWh of energy. For land containing a heritage item or within a heritage conservation area—the system is not visible from any road at the point where the road adjoins the property boundary concerned. <p>Any solar battery systems that do not meet the above requirements and standards can use the 'development with consent' planning pathway.</p> <p>This will provide a planning pathway for solar battery systems storing more than 20kWh of energy. Solar battery systems with a storage capacity of less than 20kWh of energy can be developed already under an exempt development planning pathway.</p>

5. Greater Sydney Parklands

The department proposes to amend the T&I SEPP to expand the scope of sections 2.73(2) and 2.74(2) to apply to development on all parklands under the care of the GSPT, and “supplementary land” (as defined under the GSPT Act).

The department also proposes to amend the SEPP - (Precincts—Western Parkland City) 2021 (WPC SEPP) to permit development for the purposes of environmental protection works, and roadside stalls to be carried out as exempt development, on land within the “Western Parklands” in certain circumstances.

GSPT oversees more than 6,000 hectares of parklands across Sydney, including

- Centennial Parklands (including Moore Park and Queens Park),
- Western Parklands,
- Parramatta Park and Wistaria Gardens,
- Callan Park and
- Fernhill Estate.

These parks form part of the "parklands estate" within the meaning of the *Greater Sydney Parklands Trust Act 2022* (GSPT Act), which started on 1 July 2022.

Currently, section 2.73(2) of the T&I SEPP provides a development without consent pathway for land owned by Parramatta Park Trust and Centennial Park and Moore Park Trust (including Callan Park). The pathway allows for development of any kind to be carried out if the development is for the purposes of implementing a plan of management. To ensure consistency across all parklands under the care of the GSPT, the department proposes to expand the scope of section 2.73(2) to apply to all parklands under the control of the GSPT.

This proposal will not change or modify the current planning approval pathways for development within Callan Park.

Reasons for changes

Greater Sydney Parklands Trust – Fernhill Estate and other parks

Fernhill Estate was purchased by the NSW Government in 2018 and vested in Western Sydney Parklands Trust under the *Western Sydney Parklands Act 2006*. All land owned and managed by the Western Sydney Parklands Trust (WSPT) is also managed by the GSPT.

To ensure consistency across all parklands that are under the care of the GSPT, the Department proposes to amend the T&I SEPP to allow development, for any purpose, to be carried out on

parklands owned or managed by the GSPT, if it is for the purposes of implementing a plan of management adopted for the land.

The purpose of the proposed amendments is to facilitate the efficient ongoing management of parklands under the care and control of GSPT.

Western Sydney Parklands Trust –other exempt development provisions

The department is considering amendments to the WPC SEPP following requests from the WSPT for a pathway which includes roadside stalls and environmental protection works (including within environmentally sensitive areas) to be permitted as exempt development within Western Parklands under Chapter 7 of the WPC SEPP.

Environmental protection works

Environmental protection works are an important task to be undertaken in order for WSPT to manage, conserve, restore and enhance its parklands. Currently, Chapter 7 of the WPC SEPP does not permit environmental protection works to be done as exempt development across Western Parklands land as some land is in environmentally sensitive areas. The "general requirements" are different from those currently in the T&I SEPP.

We need to provide consistency to ensure environmental protection works can be done across all Western Parklands land, including in environmentally sensitive areas.

Roadside stalls

There is a need for a consistent planning pathway for roadside stalls across the Western Parklands. Roadside stalls are classified as exempt development under the Codes SEPP; however the Codes SEPP does not apply to the Western Parklands.

Roadside stalls are an important component of the development planned for parts of Western Parklands, such as the Horsley Park Urban Farming Precinct (the precinct). The Western Sydney Parklands Plan of Management 2030 identifies the desired future character of the precinct, which is to feature market gardening, community and research gardens, agri-tourism and education programs, including roadside stalls. Because of this, we propose proposed to allow roadside stalls as exempt development in Chapter 7 of the WPC SEPP.



Figure 5 Fernhill Estate, Mulgoa

Proposed changes

Table 10- Development without consent

No.	Description	Proposed changes
1.	Fernhill Estate and other existing and future parks	<p>We propose to amend the development without consent planning pathway provisions in Division 12 of Part 2.3 of the T&I SEPP to apply to all parklands under the care of the GSPT. This will include, for example, Fernhill Estate and Callan Park and Centennial Park and Moore Park Trust. We also propose to amend the pathway to apply to future parklands that acquired or managed by the GSPT.</p> <p>Currently, sections 2.73(2)(a) and (b) and 2.74(2) of the T&I SEPP apply to “Trust lands” vested in the Centennial Park and More Park Trust, and the Parramatta Park Trust only. The proposed amendments seek to broaden the scope of these provisions so that they apply to all parklands under the care of the GSPT as well as “supplementary land” as defined under the GSPT Act</p> <p>Importantly, the proposed amendments will not apply to land identified as the Western Sydney Parklands on the “Western Sydney Parklands Map Act 2006 - Western Sydney Parklands Map”. Development on this land is controlled, in</p>

No.	Description	Proposed changes
		<p>part, by Chapter 7 of the WPC SEPP and therefore it is not necessary to amend Division 12 of the T&I SEPP to apply to that land,</p> <p>This proposal will not change or modify the current planning approval pathways for development within Callan Park.</p>

Table 11 – Exempt development

No.	Description	Proposed changes
2.	Western Sydney Parklands Trust - environmental protection works	<p>The current exempt development planning pathway in the Precincts – Western Parkland City SEPP do not permit environmental protection works to be carried out in an environmentally sensitive area, which includes an environmental conservation area. Some parts of Western Parklands are located within in environmentally sensitive areas.</p> <p>One of Western Parklands main functions are to conserve, restore and enhance the natural environment of the parklands. This includes protecting of remnant bushland and the restoring vegetation or revegetation. We are proposing to amend the WPC SEPP to permit development for the purposes of environmental protection works. With this function, Western Parklands must implement best-practice environmental management works throughout the parklands, including in environmental conservation areas. Permitting environmental protection works to be done as exempt development within the Western Parklands will help this function.</p>
3.	Western Sydney Parklands Trust – Roadside stalls	<p>We propose to provide consistency between the Codes SEPP and WSP SEPP parklands for roadside stalls. Roadside stalls are proposed to be exempt development under WPC SEPP in a similar manner to that existing in the Codes SEPP.</p>

6. Emergency services facilities

Division 6 of the T&I SEPP contains provisions for emergency services facilities, which are buildings or places used to provide emergency services such as ambulance, police and fire stations. Section 2.52 of the T&I SEPP allows for certain emergency services facilities to be developed without development consent in 'prescribed zones' if carried out by or on behalf of a public authority other than the NSW Rural Fire Service.

We have received three requests for amendments to Division 6 to provide flexibility and streamlined planning approval pathways for fire hose drying poles, ambulance stations in recreational zones and Volunteer Marine Rescue NSW premises.

Reasons for changes

Fire hose drying poles

Fire hose drying poles are commonly found at the 334 existing Fire and Rescue NSW (FRNSW) fire stations across NSW. Fire hose drying poles are used by FRNSW for operational purposes to dry fire hoses after use. The poles are usually approximately 18 m (5 storeys) tall.

Under the current T&I SEPP provisions, hose drying poles require a DA under Part 4 of the EP&A Act. This is because fire hose poles exceed 12 m in height and therefore cannot be installed without consent under section 2.52 of the T&I SEPP. They are also not specified in section 2.53 as exempt development. FRNSW has requested that fire hose drying poles be allowed as exempt development.

Note that fire hose drying *racks* are currently permitted under the exempt development pathway but are not the same as a fire hose drying *poles*.



Figure 6 Fire hose drying pole

Location of emergency services facilities

Emergency services facilities are currently permitted in a number of land use zones, but recreational zones are currently excluded which means they are prohibited. Health Infrastructure NSW have requested that ambulance stations be permitted on land zoned for recreation which will support the provision of these facilities particularly in rural and regional areas where there is a shortage of other appropriately zoned government land.

It is proposed to provide flexibility in Chapter 2, Part 2.3, Division 6 of the T&I SEPP to where emergency services facilities can be developed by including recreational zones as one of the prescribed zones. Where the land is owned or managed by the local council, issues such as the impact on the availability of recreational land can be considered by the council through leasing agreements or other negotiations to occupy the land.

Inclusion of Volunteer Marine Rescue NSW

Volunteer Marine Rescue NSW (MRNSW) provides emergency services to the boating community. MRNSW has requested the ability to build emergency services facilities as development without consent.

MRNSW is not a public authority, but it is an 'emergency services organisation' under the *Standard Instrument LEP*. This is because it is an accredited rescue unit under the *State Emergency and Rescue Management Act 1989*. Currently, the MRNSW is required to lodge a DA seeking consent (typically from council) under Part 4 of the EP&A Act in order to construct an emergency services facility. MRNSW's facilities are typically constructed on Crown land and waterways. MRNSW may occupy a site under lease, licence or as appointed Crown land manager under the *Crown Land Management Act 2016*.



Figure 7 Lake Macquarie Swansea Heads MRNSW base

The size of MRNSW facilities varies, but they are low level and small scale buildings that house marine communications equipment, operational command and control facilities, and a training and meeting space with specialist training equipment. They also typically have storage, offices, kitchen facilities, car parking, and a reception and viewing area. Facilities are often close to a boat ramp or have access to a boat shed, docks or jetties.

Section 2.52(1) of the T&I SEPP restricts development for the purpose of emergency services facilities to be carried out without consent by a public authority in a prescribed zone. Currently, MRNSW is required to lodge a DA seeking consent (typically from council) under Part 4 of the EP&A Act for building emergency services facilities.

We propose to amend the T&I SEPP to allow development for the purpose of an emergency services facility to be carried out, in a prescribed zone, by or on behalf of MRNSW without consent.

This proposal would allow MRNSW to speed up delivery of upcoming emergency services facility developments and support public safety in boating activities. The proposal would also reduce the time and cost for councils in providing development approval services.

Proposed changes

The proposed amendments to Division 6 are listed in the tables below.

Table 12 – Exempt development

No.	Description	Proposed changes
1.	Amend Division 6 to include hose drying poles as exempt development	<p>Hose drying poles typically have a minor impact, because they generate low levels of noise, have minimal visual impact and overshadowing but are essential facilities for fire stations. We propose to permit fire hose drying poles as exempt development, provided the following requirements are met:</p> <ul style="list-style-type: none"> • the height of the pole is no greater than 20m • the pole is setback at least 3m from side and rear boundaries where adjoining lots are zoned residential • the pole cannot penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan to ensure a safe operating environment for aircraft

Table 13 – Development with and without consent

No.	Description	Proposed changes
2.	Amend Division 6 to include hose drying poles as development without consent	Where a hose drying pole cannot meet the exempt development requirements, the department proposes they be permitted as development without consent in a prescribed zone. This allows FRNSW to assess the potential impact of the poles under Division 5.1 of the EP&A Act by preparing an REF. Section 2.52 of the T&I SEPP may be amended to permit hose drying poles up to 20 m as development without consent, unless they penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan. The other requirements in section 2.52 would continue to apply.
3.	Amend Division 6 to include RE1 Public Recreation and RE2 Private Recreation as prescribed zones for emergency services and ambulance facilities.	<p>We propose to amend section 2.49 in Division 6 to include land use zones RE1 – Public Recreation and RE2 Private Recreation as prescribed zones for the purpose of Division 6. The additional zones will provide more flexibility for emergency services and ambulance facilities to use other lands to develop essential services such as ambulance stations.</p> <p>This will allow development within these zones under planning pathways for development with consent and development without consent.</p>
4.	Amend Division 6 to include MRNSW as a type of emergency services facility	<p>We propose to amend the T&I SEPP to enable facilities for MRNSW to be included in the without consent pathway the same as other similar emergency services facilities. Since MRNSW is not a public authority but occupy Crown land under lease or licence, they will still be required to submit an impact assessment (that is an REF) for submission to the relevant determining authority. The determining authority is then required to consider the impact of such development in accordance with Part 5 of the EP&A Act before deciding whether to approve the development.</p> <p>If the development does not qualify as development without consent (because it does not satisfy the relevant conditions), then MRNSW would instead need to seek development consent under Part 4 of the EP&A Act.</p>

7. Planning pathways for new water treatment facilities

Under section 2.159(4) of the T&I SEPP, development for the purpose of water treatment facilities may be carried out by or on behalf of a public authority without consent on land in a prescribed zone.

Schedule 3 to the Planning Systems SEPP then declares these projects to be State significant infrastructure (SSI) where they have a capital investment value over \$30 million. Upgrades for Cascade, Nepean and Prospect water filtration plants are exempt from this declaration.

What is CIV?

Capital investment value (CIV) is defined in the EP&A Regulation 2021. It is essentially all costs necessary to establish and operate a project such as a water filtration plant.

Planning legislation commonly uses the CIV 'trigger' to declare certain development as State significant. It is intended to be an indicator of project scale, complexity, and potentially higher economic, social or environmental impact than that of local development.

CIV will be replaced with 'estimated development cost' from 4 March 2024.

The existing CIV trigger for water treatment facilities is usually reached because the design and filtration technology required for such facilities is costly, not because of potential environmental impacts. Accordingly, the requirement to prepare an environment impact statement may not be appropriate. An application for SSI requires an environmental impact statement, and typically also requires in-depth technical studies and analysis to assess the potential impacts of complex or higher impact proposals.

Existing planning requirements for water treatment facilities are therefore considered disproportionate to their risk.

Proposed changes

The department proposes to remove the CIV trigger in the Planning Systems SEPP so the monetary value of a water treatment facility doesn't make it SSI. Instead, water treatment facilities would be carried out as development without consent and require an environmental impact assessment under Division 5.1 of the EP&A Act.

Importantly, if the relevant authority determined an environmental impact statement (EIS) is required because the facility is likely to significantly affect the environment, it would automatically

be declared SSI¹. This means facilities of potentially higher impact would be subject to an appropriately higher level of assessment and regulatory oversight.

Removing the CIV trigger for water treatment facilities aligns the planning approval pathways with sewage treatment facilities by public authorities.

A SEPP or a ministerial planning order could still declare individual projects to be SSI.

Application of proposal – water supply authorities

The proposed changes would only apply to Sydney Water Corporation and Hunter Water Corporation. These authorities generally assess and deliver infrastructure in keeping with well-established governance processes and technical expertise. The proposal therefore excludes other water supply authorities, being:

- those exercising water supply and sewerage functions within the meaning of the *Water Management Act 2000* (such as Essential Energy)
- councils or county councils exercising water supply, sewerage or stormwater drainage functions under Division 2 of Part 3 of Chapter 6 of the *Local Government Act 1993*.

Application of proposal – water treatment facilities

Under the Standard Instrument LEP, a water treatment facility is a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant). The facility can produce water that is potable (drinkable) or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.



Figure 8 Basin at Prospect Water Treatment Plant

¹ With limited exceptions – see [Section 1 of Schedule 3 to the PS SEPP](#).

For more information on water treatment facilities, visit the webpage for the [Orchard Hills Water Filtration Plant](#).

Desalination plants are subject to a separate provision in the Planning Systems SEPP – section 4(2) of Schedule 3. These plants are declared SSI if they are developed by or on behalf of a public authority and have a CIV over \$10 million. The department considers that this CIV trigger remains appropriate for new desalination plants. New plants should be subject to an EIS and the additional regulatory oversight of the SSI pathway. Their technology is newer and has had relatively recent and limited use in NSW.

While the CIV trigger for the Planning Systems SEPP also applies to water storage facilities (dams, weirs and reservoirs), the proposal will not apply to those.

Benefits of the proposal

The department considers the proposal delivers an appropriate balance of planning oversight and efficient infrastructure delivery.

The proposal would allow Sydney Water Corporation and Hunter Water Corporation to deliver water infrastructure more efficiently, particularly in the most densely populated areas of NSW. This supports the government priority to boost housing supply.

8. Planning pathways for water storage facilities

Water storage facilities (WSFs) are key infrastructure used by public authorities to provide drinking water for residents.



Figure 9 Water storage facility, Port Macquarie

Existing legislation

Section 2.159(2) of the T&I SEPP permits WSF development without consent if it is by or on behalf of:

- (a) any public authority on land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone SP1 Special Activities, Zone SP2 Infrastructure or an equivalent land use zone, or
- (b) WaterNSW on land within a defined Sydney catchment area.

Section 2.159(2A) permits maintenance or replacement of WSFs by or on behalf of a public authority without consent on any land.

Section 2.159(3) then extends the planning approval pathway for (2) and (2A) to catchment management works and recreation areas associated with these facilities.

Section 2.159(6) lists purposes which, if in connection with a water supply system, can be included in any reference to ‘development for the purpose of a water supply system’. These purposes include items such as dams, reservoirs, and catchment management works. It offers a planning pathway for this related development, where that is in connection with a water supply system such as a WSF.

WSFs are generally compatible with the land-use zones specified above. Public authorities such as councils can require consent for WSFs - and related development in section 2.159(6) - where it is outside the above zones and not maintenance or replacement. For example, a WSF on land zoned W1 Natural Waterway cannot use the existing pathway under section 2.159(2)(a) of the T&I SEPP.

Section 2.161 of the T&I SEPP requires consent for certain water supply systems, but currently does not include WSFs. Because of this, inconsistent permissibility arrangements apply to new WSF development that is not provided for under section 2.159 based on LEP zoning. Alternatively, new WSFs may be prohibited in some zones.

The current process makes it difficult to get planning approval for these public assets.

Proposed changes

New WSFs

WaterNSW has requested regulatory consistency and an efficient planning approval pathway for new WSFs. WaterNSW and other public authorities have dams and storages in different zones across various LGAs, resulting in inconsistent LEP controls applying to the same development type. In response, the department proposes to allow development of new WSFs:

- without consent by WaterNSW in any zone
- with consent by other public authorities outside of the zones listed in 2.159(2)(a) of the T&I SEPP.

New water storage facilities would still only be permitted without consent where they are done by or on behalf of public authorities (other than WaterNSW) on land zoned:

- Zone RU1 Primary Production
- Zone RU2 Rural Landscape
- Zone SP1 Special Activities
- Zone SP2 Infrastructure (or an equivalent land use zone).

We do not propose any change to the current legislation in the Planning Systems SEPP where WSFs become State significant infrastructure (which requires an environmental impact statement and public exhibition) if the proposed development is over \$30 million. This means a higher level of assessment and scrutiny will continue to apply to larger or more complex WSF proposals. We also

do not propose any change to the planning approval pathways for proponents who are not public authorities, such as individuals and businesses.

The department will also consider any consequential amendments to the SEPP that are necessary to put this policy into practice.

Benefits of proposal

The proposal supports the T&I SEPP aim to improve regulatory certainty and efficiency through a consistent planning regime for infrastructure.

The proposed approval pathways for new WSFs provide regulatory certainty and consistency across NSW. The department considers it appropriate to give WaterNSW ‘a development without consent’ pathway for new WSFs. This:

- ensures the NSW Government has the decision-making role for these state assets
- reduces the burden on development assessment teams at councils
- ensures a well-equipped and experienced determining authority makes decisions on water infrastructure of wider regional importance.

The proposal requires consent for new WSFs carried out by or on behalf of a public authority (other than WaterNSW) outside of the zones listed in 2.159(2)(a) of the T&I SEPP.

Amending the T&I SEPP will streamline planning processes by overcoming prohibitions for facilities that are based on local zoning. Currently, strategic planning processes (planning proposals) are sometimes needed to change land zoning or development permissibility on a case-by-case basis to allow WSF development. This must happen before the WSF proposal itself can be assessed.

Where WSFs are permitted without consent, the environmental impacts would be assessed under Division 5.1 of the EP&A Act through the requirement to prepare a REF. Under section 171 of the EP&A Regulation, this REF must be published in certain circumstances.

Where WSFs are permitted with consent, appropriate and mandatory environmental, planning and community consultation requirements apply during the DA process. Other requirements such as those under the *Fisheries Management Act 1994* and *Water Management Act 2000* for development in waterways would also still apply. These ensure adequate oversight and environmental assessment of development for new WSFs.

9. Infrastructure in coastal areas

Existing legislation

Under Section 2.7 of the *State Environmental Planning Policy (Resilience and Hazards) 2021* (R&H SEPP), most development requires consent in coastal wetlands and littoral rainforests.

Development requiring consent in these areas is declared 'designated development'. Designated development is a category of development under EP&A Act Part 4 that involves a higher level of assessment and scrutiny due to the potential risk it poses to the environment.

T&I SEPP Division 5 (electricity), 18 (sewerage), 20 (stormwater) and 24 (water) permit certain types of development without consent on any land. Conditions apply for development on land reserved under the *National Parks and Wildlife Act 1974*. These provisions mean electricity supply authorities or public authorities can deliver the specified infrastructure using the streamlined planning approval pathway in Part 5 of the EP&A Act on most land.

The planning rules in the R&H SEPP for development in coastal wetlands and littoral rainforests prevail over those in the T&I SEPP for infrastructure development. Electricity, water, wastewater or stormwater development which is not routine maintenance or emergency works therefore triggers designated development and consent requirements if proposed in these ecological communities. This is so even if that development would otherwise be permitted without consent under the T&I SEPP. Sydney Water and Essential Energy have requested amendments to facilitate efficient infrastructure delivery.

Proposed changes

We propose certain electricity, water, wastewater and stormwater development of minor or nil impact to coastal wetlands and littoral rainforests be permitted without consent if it:

- is carried out by or on behalf of a public authority or electricity supply authority
- does not involve clearing of native vegetation in the coastal wetland or littoral rainforest
- does not involve earthworks in the coastal wetland or littoral rainforest (other than for underground boring or directional drilling, replacing existing power poles, installing a gate on an existing fence, transitioning overhead powerlines to underground, or connecting to new network sections outside these areas)
- minimises any adverse effect on the coastal wetland or littoral rainforest
- is not likely to significantly impact on the biophysical or ecological integrity of the littoral rainforest

- is not likely to significantly impact on the biophysical, hydrological or ecological integrity of the coastal wetland, or the quantity and quality of surface and ground water flows to and from the wetland.

An example of works these changes may permit without consent is boring or directional drilling. These are construction techniques which do not require an open trench to be excavated along the length of the proposed pipeline. To utilise the proposed development without consent pathway, launch and exit pits for the drill head must be located outside coastal wetlands and littoral rainforests. This avoids direct impacts to these sensitive areas as illustrated in Figure 10.

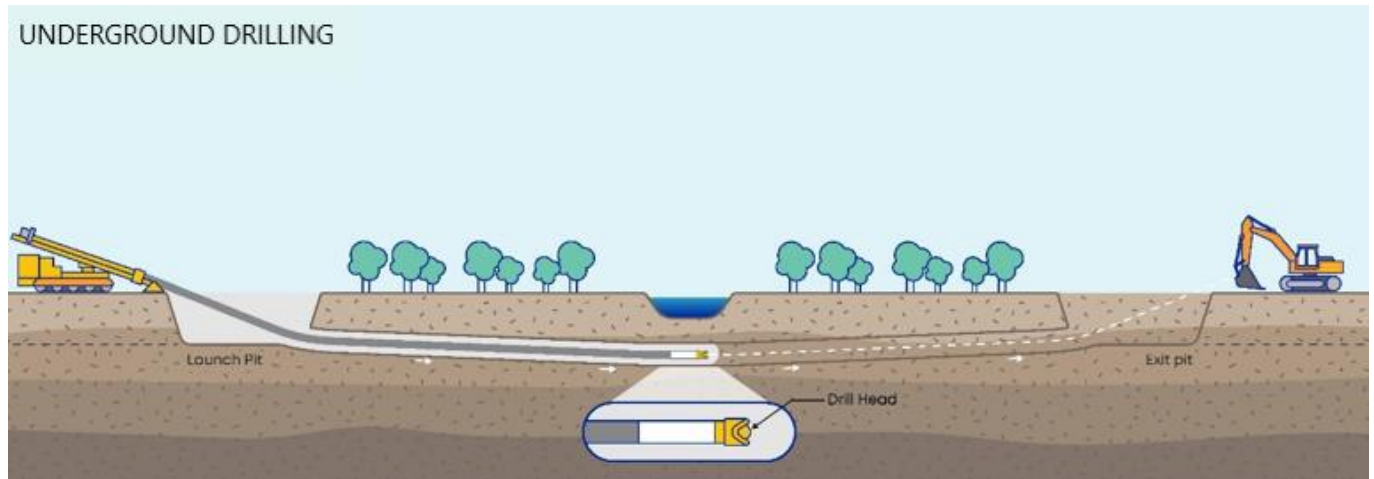


Figure 10 Pipeline construction technique avoiding impacts to wetlands (courtesy Sydney Water)

Development types proposed to be permitted without consent in the above circumstances are for the purposes of:

- transmission or distribution lines (including related cables, conductors, conduits, poles, access structures and telecommunication facilities) which are part of an electricity transmission or distribution network
- pipelines and tunnels which are part of a sewerage reticulation system, stormwater management system or water supply system.

It is appropriate to these exclude these lower risk activities from being designated development. Consent for this development would therefore no longer be required. Instead, the environmental impacts would be assessed through a Review of Environmental Factors (REF) report as required by Part 5 of the EP&A Act. This REF must be prepared in accordance with published departmental guidelines. The EP&A Regulation requires publication of the REF if the proposal triggers certain other statutory approvals. This publication requirement may be expanded to capture these proposals in coastal wetlands and littoral rainforests. If impacts are likely to be significant, an environmental impact statement is required and the proposal may become State significant infrastructure.

Electricity, water, wastewater and stormwater development which cannot meet the restrictions identified above remains subject to the current designated development approval pathway. No changes are proposed for other development in coastal wetlands or littoral rainforests.

Removing lower risk development types helps ensure proposals receive the right level of assessment and oversight. Proponents and consent authorities will save time and costs as designated development requirements only apply to higher risk proposals. For example, designated development requirements would still apply if launch and exit pits for boring or directional drilling were proposed in coastal wetlands or littoral rainforests.

This supports a modern planning system which responds to technological advances in construction techniques and contemporary industry standards which reduce environmental impact. This approach is consistent with the amendments made in 2021 to the designated development schedule in the EP&A Regulation.

10. Planning pathways for building demolition

The T&I SEPP currently provides for the demolition of buildings and structures as exempt development subject to certain restrictions. We propose changes to the T&I SEPP provisions for demolition in Schedule 1.

Currently, Schedule 1 of the T&I SEPP permits the demolition of buildings and structures that do not cover an area greater than 250m² as exempt development if, among other things, the erection of the building or structure is permitted as exempt development under Chapter 2 of the T&I SEPP. Demolition of buildings or structures that cannot comply with these restrictions are permitted as development without consent by other provisions within the T&I SEPP, meaning that environmental assessment through an REF is required.

Proposed changes

We propose to remove the restriction in Schedule 1 that only those buildings and structures that can be erected as exempt development can be demolished as exempt development. To ensure demolition has no more than minor impact, the provision would only apply where all the following conditions are met, in keeping with section 1.6 of the EP&A Act:

- The building or structure must not be a heritage item or within a heritage conservation area.
- The demolition must be carried out in keeping with the relevant Australian Standards.
- The other requirements for exempt development in section 2.20 of the T&I SEPP must be met.

The department considers this proposal to be appropriate as the conditions listed above mean the planning pathway for exempt development would only apply to smaller-scale, lower impact demolition works. The proposed change will significantly reduce delays experienced under the current provisions while still meeting community expectations for assessment of larger-scale demolition work on public land.

11. Temporary structures on parks and other public reserves

Section 2.74 of the T&I SEPP allows for circumstances where exempt development can be done within parks and other public reserves such as national parks. Exempt development typically relates to minor or low-impact development, including walking tracks, bicycle related storage facilities and viewing platforms. Section 2.74(1)(a)(x) of the T&I SEPP provides that the development for the purposes of erecting a temporary structure is exempt development, under certain circumstances. However, section 2.74(2) of the T&I SEPP does not include standards for the erection of temporary structures, including for example, in relation to the removal of such structures, or their size, bulk and scale.

It is important to include standards relating to the erection of temporary structures in parks and other public reserves as many of these locations include environmentally sensitive areas. Accordingly, without appropriate standards in place to regulate the erection of temporary structures in parks and other public reserves, there is a risk that the erection of such structures will damage the land, which is an outcome that the Department would like to avoid.

Proposed changes

We propose to include the below requirements to apply to the erection of a temporary structure to be exempt development. These standards will ensure that the:

- use is short-term
- temporary structure does not compromise future development of the land, and
- does not have detrimental economic, social, amenity or environmental effects on the land.

The conditions listed below will apply to the erection of temporary structures and will be in addition to those in Section 2.74(3).

- The period of the temporary structure must not exceed 12 months.
- The temporary structure must be removed at the expiry of the relevant period.
- At the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- The temporary structure will not adversely impact on any adjoining land or the amenity of the neighbourhood.
- The development must not exceed 1 storey in height.
- The development cannot be located more than 5 metres from a residential zone or 1 metre from any other zone.

- The development must not be on land identified by an environmental planning instrument as within a waterway or riverfront area, ecologically sensitive area, environmentally sensitive land, or within a protected area.
- The development must not be located on constrained land, such as flood-prone, significantly contaminated land, affected by a coastline hazard, a coastal hazard or a coastal erosion hazard, or bushfire prone.



Figure 11 Market in Belmore Park, Goulburn

12. Changes to electric vehicle charging units

On 24 February 2023, amendments were made to the T&I SEPP to provide additional planning pathways for the installation of electric vehicle charging units. The amendments updated existing provisions within Part 2.3, Division 17, Subdivision 3 of the T&I SEPP. The amendments were necessitated by changes in technology and consumer demand.

Proposed changes

We propose to include amendments to Part 2.3, Division 17, Subdivision 3 of the T&I SEPP to clarify the planning approval pathways for the installation of electric vehicle charging units. The proposed changes are detailed below.

Table 14– Exempt development

No.	Description	Proposed changes
1	Permit EVC units installation on above-ground telecommunications housing	<p>We propose to amend the T&I SEPP to allow an EVC units to be installed on an above-ground telecommunications housing by or on behalf of a public authority.</p> <p>Above-ground housing provides shelter for telecommunications infrastructure in facilities ranging from a pillar, roadside cabinet, and pedestal equipment shelters.</p> <p>Combining EV charging units with telecommunications infrastructure reflects a trend of technological convergence, where different technologies work together for greater efficiency. Similarly, installing an EVC units on an existing electricity or lighting pole, or street furniture can be undertaken as exempt development.</p> <p>These types of facilities would need to be accessible and not obstruct the following – vehicular, cyclist or pedestrian access to or from, or entry into, a building, cyclist or pedestrian movement along a cycleway or footpath. Therefore, the section is proposed to contain similar development standards as Section 2.124E.</p>

Table 15 – Development without consent provisions

No.	Description	Proposed changes
2	Permit electric vehicle unit installation on substations, an electricity or lighting pole, and street furniture as development without consent	<p>We propose to amend the T&I SEPP section 2.124(d) to allow an electric vehicle charging unit to be installed on an electricity substation, electricity or lighting pole, or street furniture without the need for a DA.</p> <p>A proponent would still need to assess the impacts of the activity through an assessment under Division 5.1 of the EP&A Act, referred to as an REF.</p> <p>Currently, installing an electric vehicle charging unit on an existing electricity or lighting pole, or street furniture can be undertaken as exempt development under sections 2.124E and 2.124F of the T&I SEPP. However, if the installation does not comply with the requirements of sections 2.214E and 2.124F, then development consent is required, and a proponent will need to lodge a DA with council in order to obtain development approval.</p> <p>The requirements set out in section 2.124 will apply to an electric vehicle charging unit installed on a substation, or an electricity or lighting pole. For example, the electric vehicle charging unit must comply with the Australian standards listed in section 2.124 (f) of the T&I SEPP.</p>

Table 16 – Other

No.	Description	Proposed changes
3.	Interaction with the Roads Act	<p>Part 2.3, Division 17, Subdivision 3 of the T&I SEPP sets out a list of development standards you must fully satisfy before installing an electric vehicle charging unit through development with consent, development without consent and as exempt development. This includes provisions relating to an electric vehicle charging unit and its interface with a road.</p> <p>Where works are proposed within the road reserve, formal approval must be obtained from Council as the Roads Authority as required under Section 138 of the <i>Roads Act 1993</i>. Under the <i>Roads Act 1993</i>, the road reserve includes the footpath.</p> <p>We propose to amend references to a public road within Part 2.3, Division 17, Subdivision 3 of the T&I SEPP to remove any perceived ambiguity with the <i>Roads Act 1993</i>. The intent is to ensure a clear delineation between requirements on a footpath and the road.</p>



Figure 12 Pole mounted EV charging unit

13. Research and monitoring stations

Division 16 of the T&I SEPP contains planning approval pathways for research and monitoring stations. A monitoring station is generally a small scale site development comprised of sensors to monitor air quality, noise, flood waters, dust or other environmental aspects.

Numerous monitoring stations for various purposes are installed across NSW. The monitoring stations provide vital long term monitoring information and support emergency management planning and response through providing real time data/information. The stations require periodic development (installation, decommissioning, location changes) to continuously improve and maintain the monitoring network.

Currently, the provisions in Division 16 permit development of a monitoring stations as exempt development if it is carried out in a prescribed zone, on land zoned C1 National Parks and Nature Reserves or on land acquired under the *National Parks and Wildlife Act 1974*. However, the prescribed zones currently exclude environment zones where water and flood monitoring stations might be required, and residential, industrial and commercial zones where air quality and noise monitoring stations might be required.

Proposed change

It is proposed to remove the restriction in Division 16, section 2.107 that provides that monitoring stations are exempt development only within prescribed zones, and instead permit these to occur on any land. Monitoring stations are simple, low profile, low infrastructure, and often situated in both natural and residential areas with minimal impacts on nearby residential development and the surrounding environment.

The general requirement for exempt development in section 2.20 of the SEPP will apply including that any structural requirements in the Building Code of Australia are satisfied, impacts on heritage items or areas are minimal and any removal of trees or vegetation will require a separate approval.



Figure 13 Flood (left) and air quality (right) monitoring stations

14. Three Ports planning controls

Chapter 5 of the T&I SEPP outlines the rules for land-use and development at Port Botany, Port Kembla and the Port of Newcastle. These rules promote the efficient development and operation of the ports and help support their contribution to the NSW economy.

Chapter 5 sets out categories of development that may be undertaken as exempt or complying within the lease areas, and development with or without consent on land in the lease areas and surrounding areas of all three ports, subject to strict criteria being met.

The 'lease areas' are land leased to NSW Ports or the Port of Newcastle (the private port operators) under the *Ports Assets (Authorised Transactions) Act 2012*. Privately owned industrial land surrounding each of the ports is also included within the T&I SEPP boundaries, but currently do not have access to exempt or complying development provisions within the SEPP.

The complying development provisions within Chapter 5 have been specifically developed for the three major ports in NSW. These provisions are unique to these ports in that they allow potentially hazardous uses such as development related to bulk liquid storage tanks as complying development, subject to strict criteria being met such as the preparation of technical hazard studies. Risks and hazards are an important consideration for certain complying development types under the provisions of Chapter 5.

Reasons for changes

In the ports, access to some complying development provisions needs an LUSS to be in place to ensure there is appropriate consideration of the cumulative risks from potentially hazardous activities at the port on the surrounding land uses.

Until recently, Port Kembla did not have an LUSS. For this reason, in November 2021 the Department made amendments to Chapter 5 to switch off the ability to develop bulk liquid storage tanks containing dangerous goods and changes to the storage of liquids within these tanks as complying development at Port Kembla. These uses currently require a development application to be submitted to the Minister for Planning.

The Department of Planning, Housing and Infrastructure engaged an independent risk consultant to prepare an LUSS for the lease area of Port Kembla. The LUSS supported reintroducing provisions for bulk liquid storage tanks containing dangerous goods and changes to the storage of liquids within these tanks as complying development on most of the land in the lease area at Port Kembla, subject to stringent controls, standards and requirements being met. It is important to manage land use safety at and around Port Kembla to ensure that societal and individual risk levels are not at unacceptable levels. The LUSS found that the proposed amendment to open bulk liquid storage

tank related complying development was suitable and unlikely to increase the risk profile of Port Kembla beyond intolerable limits – see Appendix 1 for more detail on the LUSS.

The objectives of the proposed amendment are to:

- support the efficient development and operation of Port Kembla by allowing access to fast track complying development, if specified standards are met
- provide greater opportunities to develop bulk liquid storage tanks across all three ports.

Additionally, it is proposed to extend the non-hazardous exempt and complying development provisions that apply within the lease areas to surrounding industrial land within the SEPP application area at Port Kembla. This will enable occupiers of that industrial land, including BlueScope Steel, to use the exempt and complying development pathway for industrial type developments.

Some other minor amendments are being proposed to Chapter 5 provisions to clarify and update existing provisions.

Proposed changes

Table 17 – Ports

No.	Description	Proposed changes
1	Complying development within Port Kembla lease area for development of bulk liquid storage tanks	<p>It is proposed to amend Schedule 11 to allow the construction and installation of bulk liquid storage tanks, including bunding, pipes and other associated infrastructure, with a capital investment value of \$30 million or less in certain lease area land at Port Kembla (area mapped in Figure 1 in Appendix 1), to be complying development. See section 11 and 27, Schedule 11 for an example of such a provision.</p> <p>The development will only be able to store combustible liquids, Dangerous Goods Class 3, 8 or 9, liquefied petroleum gas and liquefied natural gas.</p> <p>To proceed as complying development, the development must be supported by the below technical studies prepared by a person approved by the Planning Secretary:</p> <ul style="list-style-type: none"> • hazard analysis, in accordance with <i>HIPAP No 6: Hazard Analysis</i> for the most hazardous substance proposed to be stored in the tank. The hazard analysis will need to demonstrate that the development meets the risk criteria set out in <i>HIPAP No 4: Risk Criteria for Land Use Safety Planning</i>, and the development will not cause an increase in the individual risk

No.	Description	Proposed changes
		<p>levels or societal risk to exceed the ‘as low as reasonably practicable’ band shown in the LUSS.</p> <ul style="list-style-type: none"> • fire safety study, in accordance with <i>HIPAP No 2: Fire Safety Study Guidelines</i> • hazard and operability study, in accordance with <i>HIPAP No 8: HAZOP Guidelines</i>. <p>To proceed as complying development, the development must also be supported by the below:</p> <ul style="list-style-type: none"> • emergency plan, in accordance with <i>HIPAP No 1: Emergency Planning</i> • safety management system, in accordance with <i>HIPAP No 9: Safety Management</i> • hazard audit by a person approved by the Planning Secretary, in accordance with <i>HIPAP No 5: Hazard Audit Guidelines</i>, one year after the commencement of the tanks, and every 3 years after this • certificate issued by a person approved by the Planning Secretary to the principal certifying authority stating that the commissioning of the tanks complies with the above studies • certificate by a qualified engineer, certifying that the development has been installed in accordance with specifications and is structurally adequate, is to be provided to the principal certifying authority before it carries out the final inspection. <p>The development must comply with relevant Australian Standards.</p> <p>The Secretary of the Department of Planning, Housing and Infrastructure approves qualified hazard specialists ever 3 years to prepare the above-mentioned technical studies. The experience and knowledge of each specialist is thoroughly considered before they can be approved to undertake some or all of these studies.</p>
2	Complying development within Port Kembla lease area for changes to type of liquids stored in bulk liquid storage tanks	<p>This amendment proposes to allow a change in the kind of liquid stored in a bulk liquid storage tank from/to combustible liquids, Dangerous Goods Class 3, 8 or 9. See section 12 and 28, Schedule 11 for an example of such a provision.</p> <p>To proceed as complying development, the development must be supported by the below technical studies prepared by a person approved by the Planning Secretary:</p> <ul style="list-style-type: none"> • hazard analysis, in accordance with <i>HIPAP No 6: Hazard Analysis</i>. The hazard analysis will need to demonstrate that the development meets the risk

No.	Description	Proposed changes
		<p>criteria set out in <i>HIPAP No 4: Risk Criteria for Land Use Safety Planning</i>, and the development will not cause an increase in the individual risk levels or societal risk to exceed the ‘as low as reasonably practicable’ band shown in the LUSS</p> <ul style="list-style-type: none"> • hazard and operability study, in accordance with <i>HIPAP No 8: HAZOP Guidelines</i>. <p>The development must comply with relevant Australian Standards.</p> <p>The development is only allowed as complying development on land identified in Figure 1 in Appendix 1 within the Port Kembla lease area.</p>
3	Exempt and complying development provisions within land adjoining the Port Kembla lease area for non-hazardous uses	<p>The exempt and complying developments listed in Schedules 10 and 11 currently only apply to land within the lease areas of the three major ports, including Port Kembla. It is proposed to amend the SEPP provisions to enable exempt and complying developments to be carried out on the surrounding industrial land at Port Kembla. However, hazardous development types such as combustible liquid storage will be excluded, as the LUSS has not considered the risk of this type of development outside the Port Kembla lease area.</p> <p>The proposed amendment will allow non-hazardous industrial developments to be carried out as either exempt or complying development within the BlueScope Steel land. This will offer more efficient pathways for these routine types of developments that are consistent with the zoning and existing uses of the land and are expected to have minimal impact on surrounding lands.</p>
4	Modification to pipelines and flow rate for bulk liquid storage tanks	<p>Section 13 of Schedule 11 permits the modification to pipelines and flow rates or installation of new pipelines and dispensing facilities for bulk liquid storage tanks as complying development.</p> <p>The intent of section 13(1)(a) and (c) of Schedule 11 is to allow the installation of a new dispensing facility to load dangerous goods to the bulk liquid storage tank (i.e one way flow from the dispensing facility to the bulk liquid storage tank).</p> <p>To remove any confusion, it is proposed to update this provision to ensure this intention is clear.</p> <p>For Port Kembla, Section 13 is proposed to be amended to only apply to land identified in Figure 1 in Appendix 1 within the lease area. The provision is also proposed to be amended to refer to the Port Kembla LUSS – see section 13(2)(c) for an example of such a provision.</p>

No.	Description	Proposed changes
5	Mapping and updates to the heritage table for heritage items	<p>It is proposed to introduce heritage maps for Port Botany and Port of Newcastle (draft maps are on our website) and update the table of heritage items under section 5.31, Chapter 5. Heritage items at Port Kembla are already mapped.</p> <p>This will improve the usability of the SEPP by allowing heritage items to be easily located. No new heritage items will be introduced as part of this amendment.</p> <p>The table of heritage items under section 5.31 will be updated (see Appendix 2) and modernised by:</p> <ul style="list-style-type: none"> • updating the address/lot/DP of heritage items at Port Botany and Port of Newcastle to reflect their location • amending item names for some heritage items at the Port of Newcastle to better reflect their heritage description • identifying state or local significance of items consistent with the Standard Instrument. It is noted that under section 5.31 Port Kembla has one State heritage item - Hill 60, Illowra Battery • identifying items subject to National or Commonwealth heritage listing or archaeological sites at the Port of Newcastle.
6	Floor space standards for food and drink premises	<p>It is proposed to remove the discrepancy in floor space standards for food and drink premises. Under section 17 of Schedule 11 food and drink premises are allowed as complying development up to 1,250sqm and in section 5.19B food and drink premises are allowed up to 300sqm in the SP1 Special Activities zone.</p> <p>It is proposed to amend Chapter 5 to allow food and drink premises up to 300sqm as complying development in the lease area, and up to 800sqm across the SP1 zone under Chapter 5, where a development application will be required.</p> <p>This will mean that complying development can be used to develop small eateries, and anything above this limit and up to 800sqm will require a development application to be submitted to the consent authority.</p> <p>This will remove the existing discrepancy in the provisions and ensures that food and drink premises developed in the area is for the purpose of servicing the local working population and not impact on the areas industrial and port related operations.</p>

15. Moorebank Freight Intermodal Precinct

Chapter 6 of the T&I SEPP enables certain developments to progress through exempt and complying development pathways at the Moorebank Freight Intermodal Precinct (the Precinct). This allows for efficient delivery of the Precinct so that benefits can be unlocked faster and impacts adequately mitigated.

The Precinct is one of Australia's most significant freight infrastructure developments and will become a key component of Sydney's freight network. The Precinct is essential in protecting and strengthening the NSW and Australian economy. Significantly, it will transform how containerised freight moves across Sydney and regionally by linking Port Botany directly to rail terminals and warehousing by rail to the Southern Sydney Freight Line and Western Sydney Aerotropolis. The Precinct will also reduce the growth in the number of container trucks travelling between Port Botany and west/southwest Sydney and between Sydney and other capital cities or regional areas.

The 243-hectare site is located in the Liverpool local government area in the suburb of Moorebank. Its location is integral as it is adjacent to the Southern Sydney Freight Line freight railway line, the M5 motorway and close to the M7 motorway and the Western Sydney Aerotropolis. Port Botany is located approximately 26 km directly east of the site, or 33 km by road, with the Sydney CBD 27km north-east.

The Precinct includes an intermodal freight terminal and connections to existing freight rail and motorway networks. It facilitates efficient freight distribution, creating up to 6,800 jobs, bringing about \$11 billion in economic benefits, and spurring economic growth and industry in Southwest Sydney.

Various existing State significant development consents apply to the site, including concept approvals, detailed development consents and modifications to those various consents. A Voluntary Planning Agreement has also been negotiated for the site between Transport for NSW and the Precinct Manager regarding road infrastructure upgrades in the area.

The T&I SEPP introduced a streamlined approvals pathway in circumstances where the key environmental impacts of the project have already been considered, or they are of minimal environmental impact. Where this has occurred, specific development is permitted either through an exempt or complying development pathway, thereby avoiding the need for further SSD applications or modifications to existing approvals.

The department has received a request from the Precinct manager to enable multi-storey warehousing options, including increases to the existing 850,000m² gross floor area (GFA) limit and

changes to the height limits. Increasing the GFA limit and adjusting height limits to enable multi-storey warehousing options at the Precinct aligns with the evolving needs of the freight industry, promotes efficient land use, stimulates economic growth, enhances connectivity, and bolsters Australia's trade competitiveness.

Unlike traditional single-level warehouses, multi-storey warehouses utilise vertical space efficiently, allowing for increased storage capacity within a limited footprint. This concept is particularly useful in urban areas such as Sydney where land is scarce and expensive. Multi-storey warehouses often employ advanced logistics and automation systems to facilitate the movement, tracking, and retrieval of items, making them an innovative solution for optimising storage and distribution in densely populated locations.

The proposed changes to Chapter 6 of the T&I SEPP will continue to provide an exempt and complying development regime for certain development within the Precinct.



Figure 14 Visual representation of Moorebank Freight Intermodal Terminal Precinct (Image courtesy LOGOS)

Reasons for changes

The Precinct plays a pivotal role in supporting efficient freight movement, trade facilitation, and economic growth within Sydney and Australia. The Precinct has direct rail connection to Port Botany and access to the major motorways in Sydney. To further enhance its operational capabilities and accommodate evolving industry demands, there is a compelling need to increase the GFA and height limits to enable the development of multi-storey warehousing options. Increasing the

industrial floor space at this site will make better use of the existing road and rail infrastructure servicing the site.

When Chapter 6 of the T&I SEPP was first developed, multi-storey warehousing was in its infancy. With the rise in automation and revolutionising warehousing operations and the rise of e-commerce intensifying the need for fast delivery solutions, this new type of land use needs to be incorporated into the planning system.

The following provides further strategic justification for the proposed amendment.

Growing demand and evolving freight industry

The freight industry is undergoing rapid changes due to advancements in technology, shifts in supply chain dynamics, and increasing customer expectations for faster and more streamlined logistics solutions. Multi-storey warehousing options provide a means to optimise limited space while ensuring efficient and flexible storage and distribution operations. By allowing for higher density land utilisation, the Precinct can attract a broader range of logistics and distribution tenants, thereby maximising its potential as a freight hub.

Space efficiency and environmental considerations

Land is a finite resource, particularly in densely populated urban areas and there is a shortage of undeveloped and serviced industrial land in Sydney to cater for growing demands for warehousing and distribution centres. Increasing the GFA and height limits will encourage the development of vertically integrated warehousing structures, which efficiently utilise available land while minimising the overall ecological footprint. Multi-storey warehousing options address spatial limitations and align with sustainable development goals by promoting compact land use, reducing urban sprawl, and optimising infrastructure use.

Economic benefits

Enabling multi-storey warehousing at the Moorebank precinct will attract greater investment from domestic and international logistics and distribution companies. The increased GFA and height limits will create a competitive advantage, allowing for larger, more efficient operations on a single site. This, in turn, will contribute to increased economic activity, job creation, and regional development. The growth of the Precinct will attract ancillary businesses and services, generating a positive economic ripple effect in Sydney.

Infrastructure synergy and accessibility

The Precinct is strategically located near key transport infrastructure, including major highways, rail networks, and the port. By developing multi-storey warehousing, the Precinct can maximise its connectivity potential, allowing for seamless integration between different modes of transportation.

This integrated approach aligns with contemporary supply chain practices, enhancing freight movement's overall efficiency and speed.

Enhancing Australia's competitiveness

A modern, flexible, and technologically advanced freight intermodal precinct is essential for Australia's competitiveness in the global market. Enabling multi-storey warehousing options will position the Precinct as a cutting-edge logistics hub capable of meeting the evolving demands of national and international trade. This enhanced capability will attract more international trade, boosting the nation's economic competitiveness and strengthening its trade partnerships.

Proposed changes

Table 18 – Moorebank

No.	Description	Proposed changes
1	Increases to the maximum height limits for development permitted as complying development	<p>The current applicable height limit across the Precinct is 21m, with buildings located in the northern part of the West precinct (Area A shown on the height of buildings map) permitted to have 40% of their building footprint up to a maximum height of 45m.</p> <p>We propose to amend the height limits as follows:</p> <ul style="list-style-type: none"> • East precinct: warehouse number 2 maximum height limit of 35m and the rest of the eastern area remaining at 21m • West precinct (northern part): 35m (as an alternate option whilst maintaining the current allowance for 45m across 40% of the warehouse footprint) • West precinct (southern part): warehouse number 5 and 6 maximum height limit of 40m and the remaining area at 32m <p>The existing development standards in Schedule 13 of the SEPP will continue to apply. This includes that any proposed warehouse or distribution centre that has a height greater than 21m is required to have its visual impact minimised through the design of the building, retention of existing native trees, provision of additional landscaping, appropriate colours and material and uncluttered signage.</p> <p>Existing consent conditions in the State significant development consents that continue to apply to the site also require landscaping within the Precinct and will also assist in addressing visual impact of development within the Precinct.</p>

No.	Description	Proposed changes
2	Increase to gross floor area for warehouse or distribution centres permitted as complying development	<p>Currently, the provisions of the T&I SEPP permit warehouse or distribution centres as complying development provided that the gross floor area of all buildings used for warehouse or distribution centres in the Precinct does not exceed 850,000m². Additionally, the SEPP provisions prevent the Planning Secretary from issuing a traffic certificate for warehouse or distribution centres if the gross floor area of all buildings used for warehouse or distribution centres in the Precinct will exceed 850,000m².</p> <p>We propose to increase the permissible gross floor area to 1,220,000m² to account for the additional floor space that will occur from multi-level warehousing at the site.</p> <p>Existing development standards in the SEPP prescribing that certain traffic-generating developments (warehouses and distribution centres, freight support facilities and intermodal facilities) must not impact the safe and efficient operation of the local road network will continue to apply. This includes the requirement that the Planning Secretary (or delegate) must issue a traffic certificate for complying development applications for warehouse or distribution centres. Traffic certificates will only be issued when the Secretary is satisfied that the development will not have an unacceptable impact on the safe and efficient operation of the surrounding road network.</p> <p>Additionally, an independent traffic audit will still be required where traffic monitoring data shows levels of heavy vehicles visiting the Precinct reach the interim thresholds of 25%, 50% and 75% of the capacity (with 10,798 heavy vehicles per day being the maximum capacity). This will enable monitoring of the cumulative impacts of development approved within the precinct.</p> <p>Obligations under consent conditions that require significant investment in road infrastructure to support development at the precinct including road and intersection upgrades will not be altered by the proposed amendments.</p>

16. Australian Botanic Garden Mount Annan

Introduction

T&I SEPP amendments are proposed for land known as the Australian Botanic Garden – Mount Annan ('ABGMA). ABGMA is located in the Camden and Campbelltown local government areas (LGAs).

The proposed changes will expand development without consent and exempt development pathways for certain development at ABGMA, where it is by or on behalf of the Royal Botanic Gardens and Domain Trust ('the Trust'). The Trust is a public authority under the EP&A Act. It is responsible for managing the Royal Botanic Garden Sydney, the Domain, the Australian Botanic Garden, Mount Annan and the Blue Mountains Botanic Garden, Mount Tomah.

The Trust seeks to make a range of development types permissible without consent in ABGMA, and without the need for rezoning or other amendments to the relevant LEPs.

A small number of development types are currently permitted with consent, including roads, community facilities, and recreation areas. Under the current framework, the Trust must obtain development consent under Part 4 of the EP&A Act for these. These are also proposed to be changed to the development without consent pathway.

The development without consent pathway requires the Trust to assess any potential environmental impacts of development under Part 5 of the EP&A Act. This ensures impacts of proposed development are minimised and mitigated. Consultation and notification requirements will also apply to support transparency and stakeholder awareness of the Trust's activities. Under the EP&A Regulation), agencies are also required to publish their REF for activities that meet specified criteria. This ensures transparency and helps inform stakeholders that an activity has been determined and document how it was assessed.

The Trust also seeks more flexibility for exempt and complying development than provided for under the current framework. These provisions are primarily in the Codes SEPP and T&I SEPP.

As ABGMA spans two LGAs, differing exempt development types are permissible under two LEPs. This means that any exempt development that may be permitted at ABGMA may apply only to part of the site. For example, Camden's LEP permits community and fundraising events as exempt development in ABGMA, but Campbelltown's LEP does not. This means the exempt development pathway for this land use is geographically limited.

Reasons for changes

The proposal will support ABGMA's progress and maturation as a key natural and cultural asset to serve the needs of South-West Sydney's growing community and enhance its reputation as a visitor destination.

As a public authority and as custodian of the Botanic Garden, the Trust seeks these changes to determine the relevance and scale of activities at ABGMA, including the frequency of its use and site capacity in a manner that best serves its public purpose.

The proposed changes will help support the self-sustaining operation of ABGMA, facilitate new and diversified income streams and enable greater flexibility in undertaking some development types as a self-determining authority. This would be similar to the role of the Western Parklands City Authority (WPCA). WPCA is also a public authority under the EP&A Act and can develop land for certain purposes in the Western Parklands under Part 5. These purposes include many of those in this proposal.

The Trust has identified areas for streamlining the planning pathways that apply to ABGMA. The department considers the Trust's requests identify provisions that could be amended to facilitate faster and more efficient planning pathways. The requests are also consistent with the objectives of the *Royal Botanic Gardens and Domain Trust Act 1980* to:

- maintain or improve Trust land
- increase or disseminate knowledge
- encourage public use and enjoyment of Trust land.

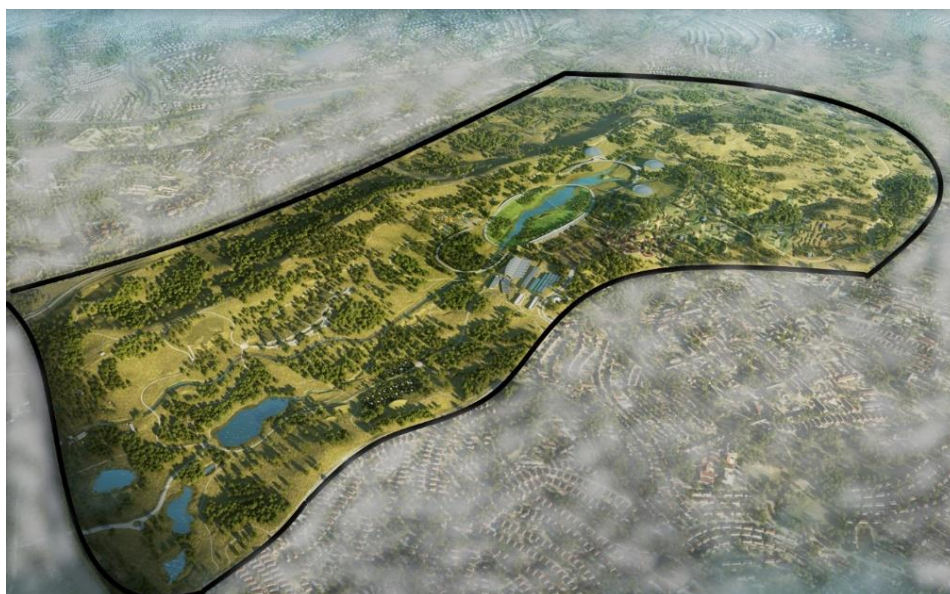


Figure 15 Potential future improvements to the ABGMA²

Proposed changes

Development without consent provisions

Table 19 lists proposed development without consent in ABGMA if carried out by or on behalf of the Trust. Justification for each is also provided below, followed by proposed general development controls. Due to zoning prohibitions, any Part 5 proposals not proceeding may instead be enabled as Part 4 under the T&I SEPP.

Table 19 Development without consent

Development type	Justification
<p>Agricultural produce industries, horticulture, environmental facilities, plant nurseries or research stations</p>	<p>Facilitates development of an Indigenous farm to support indigenous food production, commercial horticulture, as well as horticultural activities for research and scientific purposes.</p> <p>Enables propagation of plants for conservation, ecological restoration on and off site, and for display and educational reasons.</p>
<p>Artisan food and drink industries, restaurants or cafés</p>	<p>Supports the key functions of ABGMA as a visitor-oriented place. These would be new business endeavours relating to the primary objectives of increasing knowledge of and encouraging use of ABGMA.</p>

² Used with permission from the Trust.

Development type	Justification
Information and education facilities	Encourages visitor activation and promotes ABGMA as a place of learning.
Community facilities, public administration buildings, recreational facilities (indoor), and water recreation structures	Provides community facilities for the local population and promotes public use of ABGMA, enabling uses such as yoga, exercise or wellbeing classes. The water recreation structures could enable a pontoon for staging, educational purposes, and for use of the water for events and activities.
Function centres or entertainment facilities with a capital investment value of less than \$30 million	Supports events and commercial uses and attract visitors to ABGMA. A capacity limit may be appropriate and could differentiate between Part 4 and Part 5 development.
Amphitheatres or stages	Supports events and enable visitor activation of ABGMA. This type of development could proceed as Part 5 where it meets a certain capacity limit or otherwise under Part 4.
Camping grounds	Enables visitor activations of ABGMA.
Tourist and visitor accommodation and eco-tourist facilities with a capital investment value of less than \$30 million	<p>Enables visitor activation of ABGMA, promotes globally unique nature experiences, and establishes ABGMA as a cultural and tourism destination.</p> <p>A restriction would specify these uses not occur within 100 metres of the two high-pressure pipelines that run through the site and that they do not have a population density above 0.0126 people/m².</p> <p>May proceed as Part 5 under a certain capacity limit or otherwise under Part 4.</p>
Warehouses or distribution centres with a capital investment value of less than \$30 million	Supports plant nursery or eco-industry business. Stakeholder feedback may identify that Part 4 is the appropriate pathway for this development.
Construction, alterations and additions to a building used as part of Trust operations	Supports maintenance and operational activities.
Sewerage, water supply and stormwater management systems, rainwater tanks, roof, wall or ground mounted solar panel systems	Facilitates future visitation and to service new activities and amenities. Any works proposed would require consultation with the high-pressure pipeline operators for development adjacent to land in a pipeline corridor.

Development type	Justification
Major calendar events and any associated temporary buildings, signage and infrastructure	<p>Facilitates visitor activation, functions, festivals, and support community and private events. Temporary infrastructure may include amenities such as portable toilets, power and water installations to service public amenities, floodlighting, flooring, and temporary fencing.</p> <p>Where appropriate, capacity or threshold limits for events may be included to differentiate between Part 5, Part 4, or exempt development pathways.</p>
Storage sheds	Facilitates maintenance and improvement of the site for public use.

Proposed general development controls – development without consent

- Erection of any building, structure, or addition to a building or structure must not be over 15 metres in height or located closer than 5 metres to any property boundary with ABGMA.
- The Trust would give written notice of their intention to carry out certain development to the relevant council and occupiers of any adjoining land. The Trust would take into consideration any response received within 21 days after notice is given.
- The notification requirements of section 2.77 of the T&I SEPP would apply to certain proposals. This would enable the Trust to adequately manage risks to and from certain high-pressure pipelines that intersect ABGMA.
- Appropriate setback limits will be applied from surrounding roads.



Figure 16 The Australian Botanic Garden. Mount Annan

Exempt development provisions

Table 20 lists proposed exempt development in ABGMA if carried out by or on behalf of the Trust.

Table 20 Exempt development

Development type	Justification and specific controls
<ul style="list-style-type: none"> • Vehicle counters, kiosks and visitor information booths • Landscaping, including any landscape structures or features and irrigation systems • Lighting 	<p>Provides amenities for visitors to ABGMA.</p> <p>Provides for garden features and their maintenance.</p> <p>Light spill and artificial sky glow from lighting must be minimised in accordance with the Lighting for Roads and Public Spaces Standard as defined under the T&I SEPP.</p>
<p>Temporary event signage</p>	<p>Supports events, and the signage must:</p> <ul style="list-style-type: none"> • be displayed for a period of no longer than 14 days • have a total display area of no more than 10m² • be located at a minimum distance of 10 metres from any property boundary fronting a public road or residential area.
<p>Directional signage and building identification signage</p>	<p>Supports wayfinding for visitors to ABGMA. Signs would have a maximum display area of 5m².</p> <p>Improves amenity for visitors to ABGMA.</p>
<p>The following activities and events where undertaken by, on behalf of (or by any person with the written consent of) the Trust:</p> <ul style="list-style-type: none"> • markets • events including festivals, and public holiday celebrations • corporate functions, weddings, private functions and parties • lifestyle expos • outdoor cinemas 	<p>Supports visitor activation of ABGMA. These activities and events would occur in accordance with the Event Operations Management Plan, prepared by the Trust. Consultation with the relevant high-pressure pipeline operator(s) would be required where proposed adjacent to land in a pipeline corridor.</p> <p>Where appropriate, capacity or threshold limits for events may be included to differentiate between Part 5, Part 4, or exempt development pathways.</p>

Proposed general development controls – exempt development:

- compliance with section 2.20 of the T&I SEPP
- minimal disturbance to native vegetation
- no increase in erosion or stormwater run-off that would impact on other lands.
- provision of sufficient traffic-management procedures.

The Trust will also determine whether it should give written notice of its intention to carry out this exempt development to the relevant council for the area, as well as the occupiers of any adjoining land. The Trust would take into consideration any response received within 7 days after notice is given.

17. Other proposed changes

Changes are proposed to the T&I SEPP that are aimed at improving the readability and understanding of the SEPP provisions but will not change any policy outcomes or the effects of the provisions.

Removal of note in section 2.22

A minor amendment is proposed to section 2.22 in Part 2.2, Division 5 of the T&I SEPP, which contains general requirements for complying development. Section 2.22(2)(b) includes a note that can potentially be misinterpreted. Following the provision that states that complying development must be permissible with consent under an environmental planning instrument, the note states: 'accordingly, development that is permitted to be carried out without consent is not complying development'.

The original intent of the note was to remind public authorities that development that is permitted without consent may receive approval under Part 5 of the EP&A Act, rather than by way of a complying development certificate. A similar note has not been included in other SEPPs that have similar provisions.

We propose to remove the note (or amend it to clarify any uncertainty) in order to avoid any misinterpretation of the relationship of complying development and development that is permitted without consent.

Restructure of the T&I SEPP

In 2021, four State environmental planning policies (SEPPs) were consolidated into chapters of a single T&I SEPP. These SEPPs are now the following chapters of the T&I SEPP:

- Chapter 2: Infrastructure
- Chapter 3: Educational establishments and child care facilities
- Chapter 4: Major infrastructure corridors
- Chapter 5: Three ports—Port Botany, Port Kembla and Port of Newcastle

These changes were part of a broader administrative consolidation of SEPPs. The changes simplified and improved the effectiveness and usability of current policies by reducing the number of separate planning instruments. Chapter 6 (Moorebank Freight Intermodal Precinct) was subsequently added in 2022.

Building on this consolidation, the department proposes to simplify and restructure the T&I SEPP. This change will:

- remove duplication – where the same or very similar provisions are found multiple times in the SEPP. This accumulated over time since the original infrastructure policy commenced in 2008 and is more apparent after the 2021 SEPP consolidation.
- provide easier navigation, through changes such as consolidating where appropriate:
 - preliminary provisions, such as aims and common interpretation provisions
 - consultation provisions
 - divisions with development controls
 - certain exempt and complying development provisions.
- delivers improved consistency in policy, including in the definitions and assessment processes for infrastructure development.

The restructured SEPP will be easier to interpret and apply, so the changes deliver a simpler planning system for stakeholders. This supports fast and efficient infrastructure delivery for communities across NSW, while ensuring adequate protection for the environment.

Proposed changes – SEPP restructure

Most of the changes proposed as part of the SEPP restructure will not change the effect of the legislation. This means the SEPP’s scope and assessment requirements will largely remain the same.

It is proposed to merge chapters 2 (Infrastructure), 3 (Educational establishments and child care facilities) and 4 (Major infrastructure corridors). Provisions delivering site-specific outcomes in Chapters 5 (Ports) and 6 (Moorebank) will remain in separate chapters.

Commonly used definitions will be consolidated into a new SEPP Dictionary. New SEPP-wide aims will be developed from the current SEPP chapter aims. While the exempt and complying development provisions for individual development types will largely remain in their current divisions, it is proposed to consolidate the related exempt and complying schedules. Savings and transitional provisions will be merged into one schedule.

Where possible, legislative and other references will also be updated to modernise the SEPP provisions. Previously exhibited amendments which have not yet been made will be included where appropriate.

Addressing duplication and inconsistencies in the SEPP will result in minor policy changes. Key policy changes are listed below. In the list below, the phrase ‘SEPP-wide’ means the change would apply a policy to relevant provisions in all chapters of the restructured SEPP.

Giving written notice

The provision for giving 'written notice' is currently different in chapters 2 (Infrastructure) and 3 (Education). Chapters 5 (Ports) and 4 (Corridors) use the term but do not define it.

The provision for giving written notice (using existing section 3.4) is proposed to apply SEPP-wide. This would define the term for the first time for chapters 4, 5 and 6. It would also expand the available methods of delivery of such notices for development proposed under existing Chapter 2. This policy provides flexibility so the sender can choose the most appropriate communication method, and simplifies the SEPP by having a standardised written notice provision regardless of infrastructure type.

Exceptions to development standards

Currently only Chapter 5 (Ports) includes provisions for exceptions to development standards. The provisions prescribe the process for DAs seeking to vary a development standard. The process includes obtaining concurrence from the Planning Secretary. The provision is common in LEPs.

The department is seeking stakeholder feedback on the need for expanding this provision to apply SEPP-wide. The result is any DAs proposed under the SEPP which seek to vary a development standard would be subject to the same requirement, including concurrence from the Planning Secretary.

Preconditions to carrying out development without consent

Chapters 2 (Infrastructure) and 3 (Education) include the same provision requiring preconditions be met before carrying out development without consent. Preconditions could include consultation or notification requirements. Chapters 4 (Corridors), 5 (Ports) and 6 (Moorebank) do not have any similar precondition provisions.

While conditions required by legislation apply regardless, the provision requiring preconditions be met helps ensure requirements such as consultation occur before development occurs. While chapters 4, 5 and 6 do not have similar provisions, it is the policy intent that any preconditions applying to development proposed under those chapters should be satisfied before the development is carried out. Therefore, it is proposed to have a single SEPP-wide precondition provision based on the current sections 2.6 and 3.5.

Definition of local heritage item

The term 'local heritage item' is defined differently in chapters 2 (Infrastructure) and 3 (Education). It is appropriate that the same definition apply regardless of the infrastructure development type proposed. Therefore, it is proposed the definition be standardised using the definition currently in section 3.3(2). This change will ensure declared Aboriginal places have increased recognition (and

protection) through inclusion in the definition for 'local heritage item' in the development control provisions of current Chapter 2 (Infrastructure).

The definition will be included in the new SEPP Dictionary, and apply SEPP-wide except for the ports chapter (currently Chapter 5). This is because the current definition in that chapter (in section 5.2(1)) refers to a specific list of local heritage items.

Equivalent land use zones

Sections 2.4 and 3.3(6) of the SEPP deal with land still zoned under non-SI-LEPs, allowing for zones in those LEPs to be equivalated to a Standard Instrument LEP zone. A key difference to section 3.3(6) is that section 2.4 identifies how an equivalent land use is determined and is unique in using the term 'equivalent land use zone'. Section 3.3(6) takes the approach of equivalent land uses, which is considered to achieve the same outcome.

It is therefore proposed to apply the existing section 3.3(6) SEPP-wide. Separate policy guidance may be provided if deemed necessary on determining an equivalent zone.

Ringbarking

Clearing vegetation is a type of 'construction works' activity. It is defined differently in chapters 2 (Infrastructure) and 3 (Education). The former includes 'ringbarking' as a type of allowed vegetation removal.

Ringbarking is an outdated practice and only recently removed from the Chapter 3 (Education) provision. A SEPP-wide provision is proposed to identify 'clearing of vegetation' under 'construction works'. The Chapter 3 (Education) provision for clearing of vegetation would be used, resulting in ringbarking no longer being part of the scope of works under 'construction works' for development types in existing Chapter 2 (Infrastructure).

For consistency, it is also proposed to remove 'ringbarking' from the 'clearing of vegetation' activity currently allowed under 'routine maintenance works' (section 2.3(4)).

Other vegetation removal methods will remain within scope for construction works and routine maintenance works – i.e. cutting, pruning or removal of trees. Other provisions for vegetation in the SEPP will not be impacted by this proposed change.

Development in infrastructure corridors

Chapter 4 (Corridors) regulates development in major infrastructure corridors. Section 4.7 allows development with consent within a corridor if specified requirements are met. These include consistency with the aims of Chapter 4. The restructure will introduce SEPP-wide aims which are designed to broadly incorporate the Chapter 4 aims.

It is therefore proposed to update this consistency requirement to refer to the relevant SEPP-wide aim(s). This supports existing policy to facilitate an appropriate balance of development and protection to ensure the best use of land in corridors.

Requirement to consider district plans

Chapters 2 (Infrastructure) and 3 (Education) have separate site compatibility certificate (SCC) provisions. A combined SCC provision is proposed and will apply to both chapters (which will be merged in the restructure).

The Chapter 3 (Education) SCC provision currently requires applications to demonstrate proposals are not inconsistent with the relevant district plan. It also requires the decision-maker to be satisfied the development concerned is consistent with the relevant district plan before issuing a SCC. District plans are made under Division 3.1 of the Act. This requirement does not currently apply for applications under Chapter 2.

It is appropriate to consistently apply this requirement regardless of infrastructure type. Therefore, it is proposed these requirements also apply to SCC applications made in relation to the existing Chapter 2 (infrastructure) provisions.

This ensures SCC proposals are consistent with strategic planning, regardless of infrastructure type. It is expected this change will have limited impact due to the expected minimal use of SCCs.

Consolidation and consistency for education provisions

It is proposed to merge Part 3.5 University and Part 3.6 TAFE development controls in Chapter 3 (Education) into a single division within the restructured SEPP. Where appropriate the sections/provisions will mostly be combined to apply to both TAFEs and Universities.

School provisions under Part 3.4 of Chapter 3 (Education) will continue to be a separate from TAFE and University provisions, however where appropriate and applicable the wording of the provisions will be drafted the same or as similar as possible.

Early education and care facility related provisions will be moved from Part 3.3 to form a new division in the restructured SEPP. Restructuring these education provisions may result in minor amendments to permissible uses for consistency.

Glossary

Shortened term	Complete term
AEMC	Australian Energy Market Commission
CCEW	certificate of compliance for electrical work
CIV	capital investment value
Codes SEPP	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
DA	development application
DNSPs	distribution networks
EFM	environmentally friendly mooring
EIE	explanation of intended effect
EIS	environmental impact statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPI	environmental planning instrument
EV	electric vehicle
FRNSW	Fire and Rescue NSW
GSPT	Greater Sydney Parklands Trust
GSPT Act	<i>Greater Sydney Parklands Trust Act 2022</i>
IP	intellectual property
LEP	local environmental plan

Shortened term	Complete term
LGA	local government area
MRNSW	Marine Rescue NSW
NPWS	National Parks and Wildlife Service
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
PMA Act	<i>Ports and Maritime Administration Act 1995</i>
Precincts— Western Parkland City SEPP	State Environmental Planning Policy (Precincts—Western Parkland City) 2021
PV	photovoltaic
REF	review of environmental factors
SAPS	stand-alone power systems
SEE	statement of environmental effects
SEPP	State environmental planning policy
SSI	State-significant infrastructure
T&I SEPP	State Environmental Planning Policy (Transport and Infrastructure) 2021
WPCA	Western Parklands City Authority
WSFs	water storage facilities
WSP	Western Sydney Parklands
WSPT	Western Sydney Parklands Trust

Appendix 1 – Port Kembla Land Use Safety Study

The Department of Planning, Housing and Infrastructure engaged an independent risk consultant to prepare an LUSS for the lease area of Port Kembla.

The objectives of the LUSS are to:

- estimate the cumulative risks from facilities within the Port lease area on the surrounding land, including applications under consideration
- identify risk contributors and their causes, and assess the magnitude of their impact in relation to the NSW risk criteria
- develop a strategic land use safety framework for future developments at the Port - identify opportunities to reintroduce bulk liquid storage tank complying development provisions to Port Kembla
- identify options to minimise risk and provide a regime for ongoing risk management.

Scope

The study area of the LUSS included existing facilities and operations in the Port Kembla lease area, and two sites operated by IXOM Operations Pty Ltd located adjacent to the lease area.

Potential future facilities in the lease area, if these are to be operational within the next 5 years, were also included in the scope.

The scope tested example representative bulk liquid storage tank facilities and bulk liquid flammable gas storage facilities to determine the potential application of complying development provisions in the lease area i.e. the most potentially hazardous materials were selected as being representative for each facility.

A Quantitative Risk Assessment (QRA) was undertaken to meet the objectives of the LUSS. The scope of the QRA included a quantitative analysis and assessment of the fatality, injury and property damage risks supported by the risk criteria in the Departments' *HIPAP No 4: Risk Criteria for Land Use Safety Planning* and *HIPAP No 10: Land Use Safety Planning*. The findings of the QRA supported bulk liquid storage tank complying development for most of the Port Kembla lease area, and a strategic land use safety framework was proposed.

HIPAP No. 4 suggests risk assessment criteria to consider when assessing the land use safety implications of potentially hazardous development. It is relevant to consent authorities when assessing the level of risk of a proposed development.

HIPAP No. 10 provides advice to planning authorities and other stakeholders on strategic land use safety planning and development assessment and control. It discusses risk criteria and emergency planning in the context of development in the vicinity of potentially hazardous development.

HIPAPs can be found on the Department's website.

Methodology

The LUSS included four main activities:

- consultation with stakeholders such as facility operators and regulatory authorities
- gathering data required for the risk assessment from stakeholders/publicly available sources
- preparation of the QRA
- developing a land use safety plan and risk management options based on QRA findings.

Findings

The LUSS found that:

- the cumulative individual and societal risks for all facilities and operations included in the QRA comply with the Department's quantitative risk criteria for land use safety planning
- risks associated with road and rail transport of dangerous goods are not a significant contributor to cumulative risks. Pipelines are a more significant risk contributor for dangerous goods transport
- risks associated with liquified natural gas carriers are a notable contributor to the cumulative risks due to the large number of movements.

Human fatality risk results are expressed in two forms:

- individual risk is the risk of death to a person at a particular point
- societal risk measures the risks of incidents from a facility that would critically injure a large number of the population. The societal risk criteria reflect three risk bands: negligible, as low as reasonably practicable and intolerable (being the highest risk).

The LUSS determined that the findings do not affect the recommendation to open bulk liquid storage tank complying development provisions under the Transport and Infrastructure SEPP at Port Kembla.

Any new potentially hazardous development requires a risk assessment and compliance with the risk criteria for land use safety planning, this includes complying development.

All tenant developments require approval by NSW Ports and are assessed against the Port Kembla Development Code. To comply with this Code, a new development requires completion of a risk assessment. All development proposals also required assessment of on and off-site traffic impacts and are to be accompanied by a Traffic Management Plan.

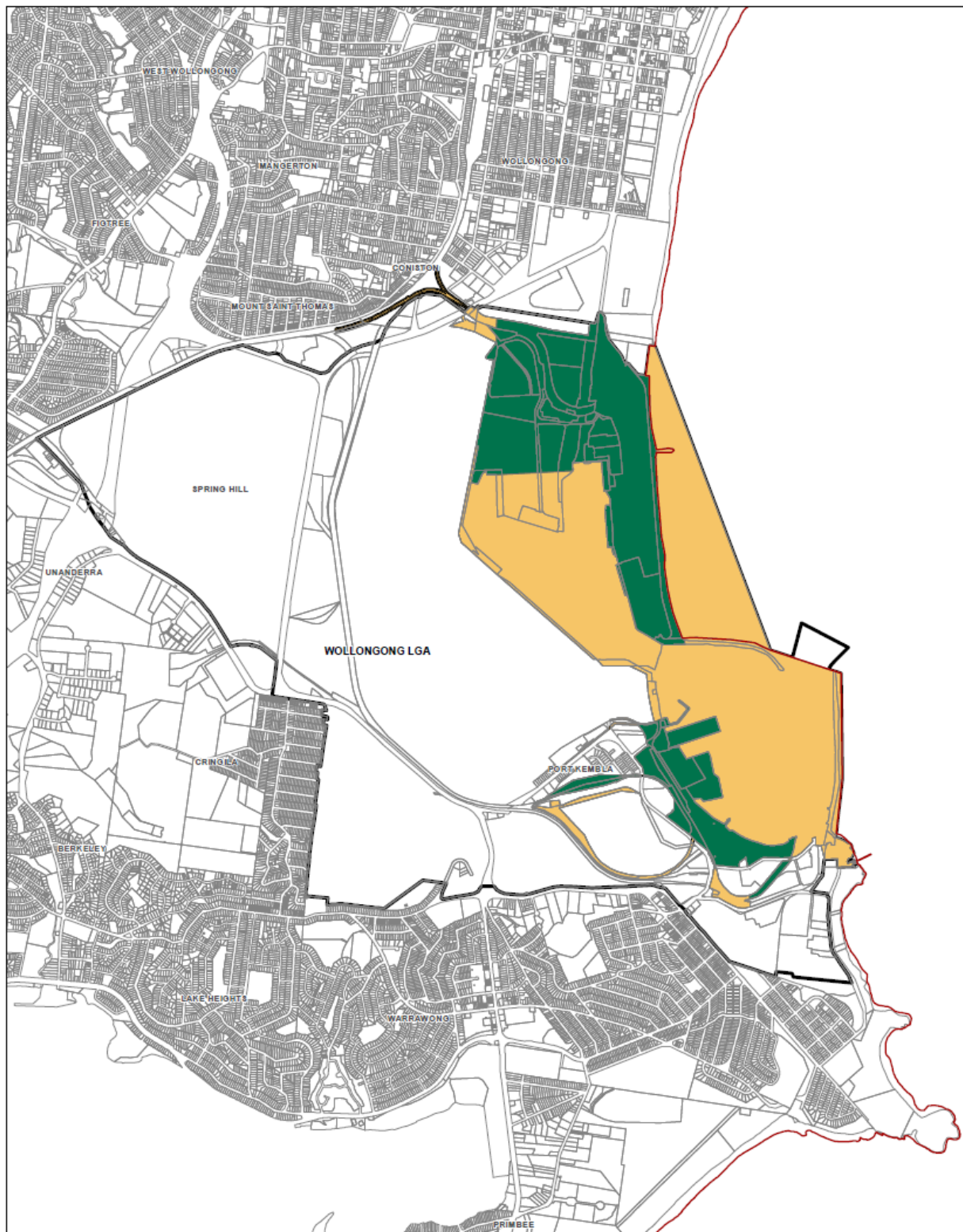
Individual facilities also have site specific emergency plans.

Consequently, the recommendations in the LUSS are primarily focussed on monitoring potential changes that may affect the cumulative risk profile and/or compliance with the risk criteria for land use safety planning.

The complying development provisions for bulk liquid storage containing combustible liquids, Dangerous Goods Class 3, 8 or 9 and bulk flammable liquid storage such as, liquefied petroleum gas or liquefied natural gas are appropriate for most of the lease area.

A buffer has been identified to separate proposed bulk liquid storage tank complying development from activities that attract a larger number of people, such as offices – see Figure 1.

The department will continue to review the ongoing appropriateness of any new complying development provisions, where changes occur that may affect the cumulative risk profile and/or compliance with the department's risk criteria for land use safety planning.



Legend

- Area suitable for proposed bulk liquid storage tank complying development
- Port Kembla Lease Area
- Land Application area, Chapter 5, Transport and Infrastructure SEPP
- LGA Boundary
- Cadastre 6/07/2023 © Spatial Services

Map for exhibition

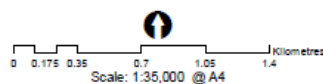


Figure 1 – land within the lease area is yellow, land where bulk liquid storage tank development is proposed to be permitted as complying development is in green.

Appendix 2 – Draft Heritage Table for Chapter 5 (Three Ports)

Table 1: Port of Newcastle

Suburb	Item name	Address	Property description	Significance
Carrington	Hydraulic Power Station Item 10 on the Map	106 Bourke Street	Lot 30 DP 1190075	State
Carrington	Bullock Island Crane Bases (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15) Item 9 on the Map	192 Dyke Road	Part Lot 93 DP 1193181, Part Lot 219 DP 1195310, Part Lot 5 DP 1104199	State (7, 8, 9, 10) Local (1, 2, 3, 4, 5, 6, 13, 14, 15)
Carrington	Former McMyler Hoist Item 11 on the Map	192 Dyke Road	Part Lot 219 DP 1195310	Local
Carrington	Former Armstrong & Royce Timber Mill site *A Item 12 on Map	45 Fitzroy Street	Part Lot 100 DP 1014244	Local
Carrington	Former Earp Woodcock Beveridge & Co site *A Item 13 on Map	45 Fitzroy Street	Part Lot 100 DP 1014244	Local
Carrington	Former Morison Bearby Warehouse (Hill Street facade only) Item 14 on Map	92 Hill Street	Part Lot 11 DP 1023961	Local
Kooragang	Palm Item 8 on Map	2 Greenleaf Road	Part Lot 1 DP 575674	Local
Mayfield North	Former Stewart and Lloyd's Administration Buildings 2, 3 and 4 Item 2 on Map	51 Industrial Drive	Part Lot 225 DP 1013964	Local
Mayfield North	No 1 Change House Item 1 on Map	51 Industrial Drive	Part Lot 225 DP 1013964	Local
Mayfield North	1st Mill Building *A Item 19 on Map	51 Industrial Drive	Part Lot 225 DP 1013964	Local
Mayfield North	Tool Room Item 4 on Map	133 Ingall Street	Part Lot 31 DP 1116571	Local
Mayfield North	Cycle Sheds for No 2 Rod Mill Item 6 on Map	135 Ingall Street	Part Lot 2 DP 1032755	Local
Mayfield North	Delprat's Quarters Item 5 on Map	133A Ingall Street	Lot 32 DP 1116571	Local

Mayfield North	Apprentice Training Centre Item 7 on Map	135 Ingall Street	Part Lot 2 DP 1032755	Local
Mayfield North	Former Stewart and Lloyd's Main Administration Building Item 3 on Map	51 Industrial Drive	Part Lot 225 DP 1013964	Local
Mayfield North	BHP Administration Building Item 17 on Map	99 Selwyn Street	Part Lot 332 DP 1176879	Local
Mayfield North	Quality Control Laboratory Item 18 on Map	99 Selwyn Street	Part Lot 332 DP 1176879	Local
Newcastle	Nobby's Lighthouse*, Headland and Breakwater (Macquarie Pier) Item 16 on Map	41 Nobbys Road	Lot 1051-1053 DP 1189091, Part Crown Reserve	State
Newcastle	Stone Boat Harbour (Relic) Item 15 on Map	100 Wharf Road	Lot 1-2 DP 1252445	State

Note: Heritage items marked with an asterisk (*) are also subject to National or Commonwealth heritage listings.

Note: Heritage items marked with an (*A) are archaeological sites.

Table 2: Port Botany

Suburb	Item name	Address	Property description	Significance
Banksmeadow	Main Administration Building – “Orica” and Mature Ficus Item 4 on the Map	16-20 Beauchamp Road	Lot 1105, DP 1227173	Local
Banksmeadow	Pier Hotel Item 2 on the Map	1751 Botany Road	Lot 1 DP 1031248	Local
Banksmeadow	Botany Bay Hotel Item 3 on the Map	1807 Botany Road	Lot A DP 333268	Local
Botany	Canary Island Date Palms (Phoenix canariensis) Item 1 on the Map	23 Byrnes Street	Lot 1 DP 169307	Local